# MORAL AND CITIZENSHIP EDUCATION (MCED 1011)

**Teaching Module**

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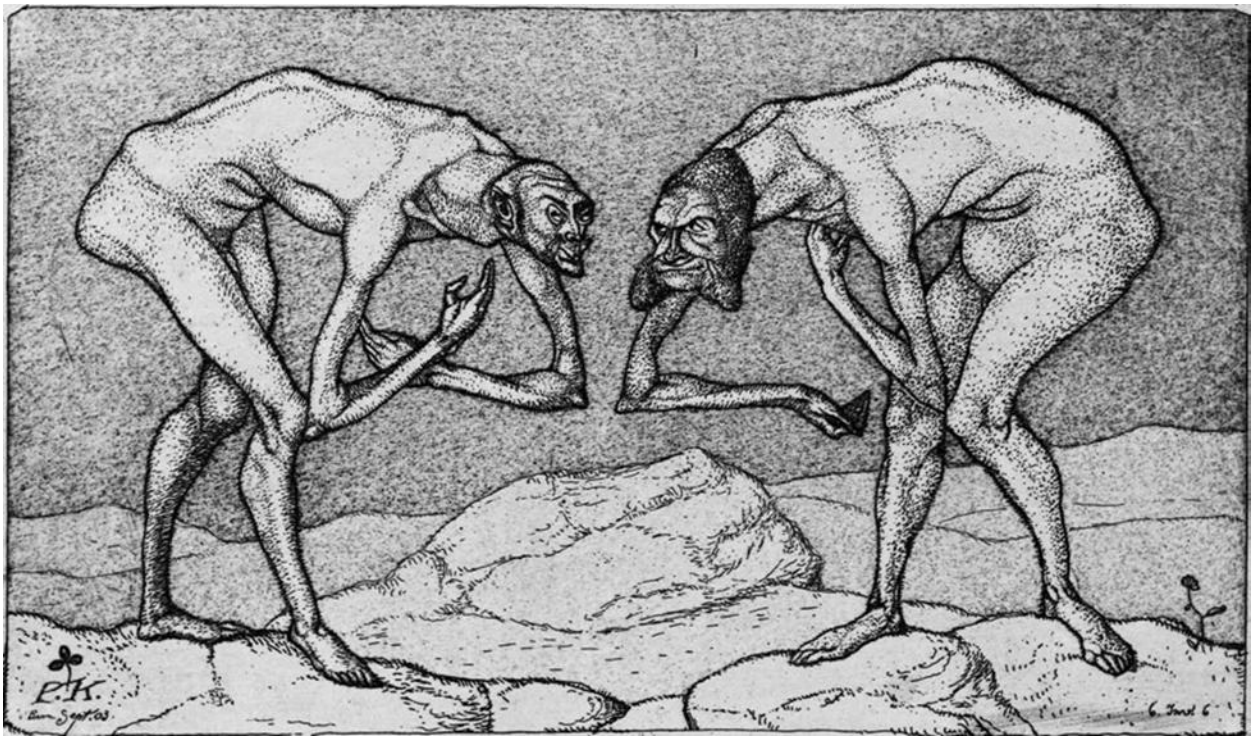
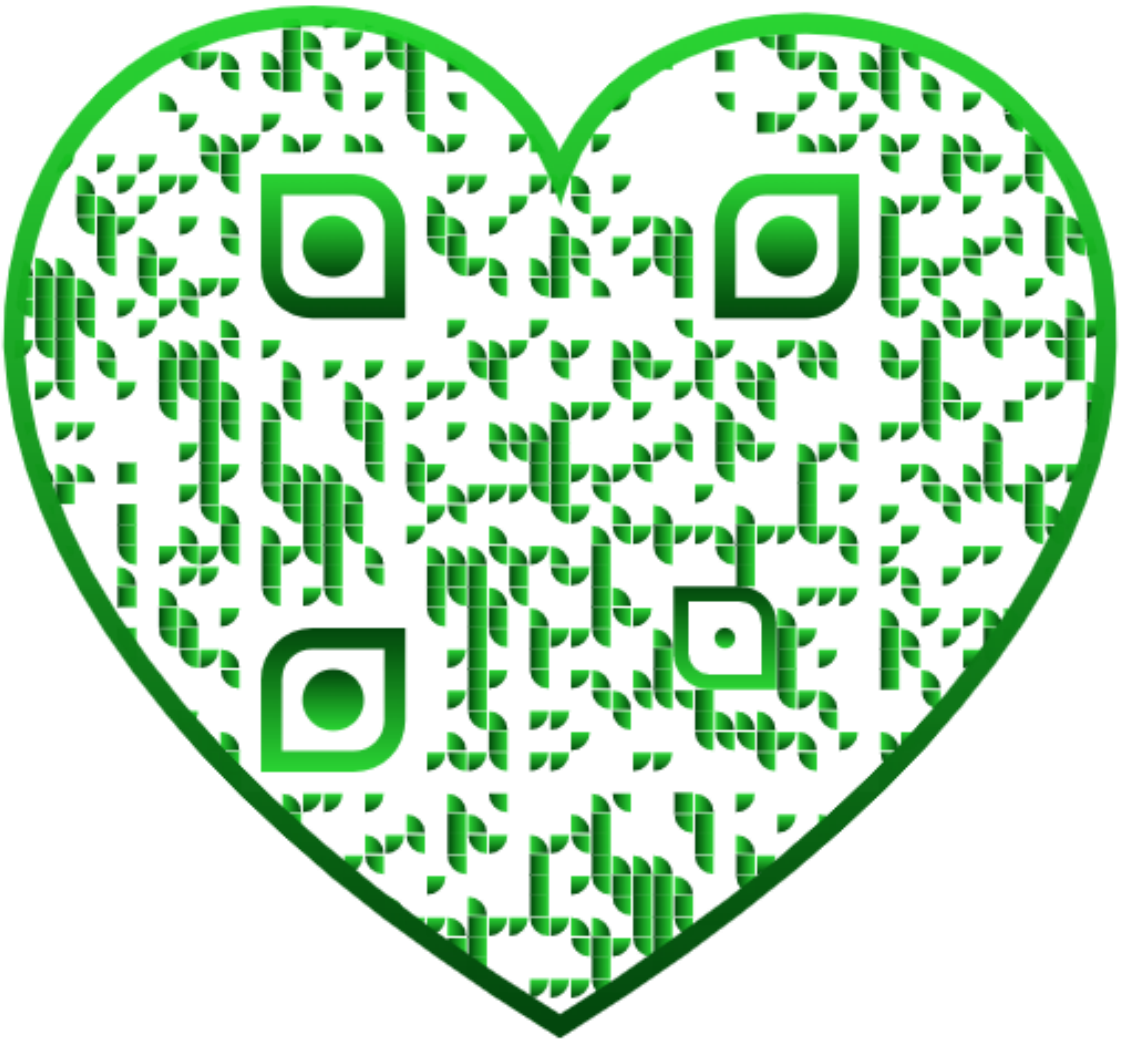


***Paul Klee, 'Two Men Meet, Each Believing the Other to Be in a Higher Position'. A comment on the servility often involved in the ambition for respect.***



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# Module Introduction

As the Ethiopian Education Development Roadmap (2018-30) stated that, since one of the challenges for quality education is missing the proper moral and civic education, the education policy objectives should be revisited and formulated to reflect the creation of holistic development in all citizens, confident and competent citizens, critical thinkers, competent professionals who satisfy the requirements of the global market; entrepreneurs and innovative, strong ethical and moral values, stand for justice; peace, and unity in diversity.

The benchmarking moral, ethical and citizenship education are part of the curriculum of the educational system to address diversity and national unity. The education system should promote these realities and be able to produce adequate and capable graduates to satisfy both the domestic and global markets.

Given this, the Ethiopian government has designed and implemented moral and civic education curricula to aim at educating students about democratic culture, ethical values and principles, supremacy of constitution, and the rule of law and so on. These elements are imperative in the process of producing self-confident citizens and a generation who has the capability to shoulder responsibility. Accordingly, this module is basically aspires to equip the learners with relevant knowledge, respect for the worth and human dignity of every individual, right attitudes and requisite skills to enable them perform their roles as a credible members of their society. Through the module, learners will also acquire nature of Ethiopian federalism and parliamentary system of government, ways of making responsible decisions, solve problems, care about others, contribute to society, and be tolerant and respectful of diversity.

This module is organized into five chapters. The first chapter deals with the definition of concepts and terms, differences between civics and ethics, goals of civics and ethics as well as competences of a good citizen. The second chapter presents the major rival theories and perspectives on ethics and morality. The third chapter dwells with ethical decision making and the justification behind the moral judgments, while chapter four contains about the concepts of citizenship, state and government particularly the state structures and theories of state, systems of government, theories of

citizenship, ways of acquiring and losing citizenship and the interplay between citizens, state and government and final fifth chapter deals with constitution, human rights and democracy.

## Module Objectives

After the successful completion of this module students will be able to:

- Conceptualize what morality, ethics and civics mean.
- Comprehend the goals of civics and ethics as well as the competences of a good citizen.
- Discuss the relations between society, state and government.
- Differentiate federal state structure from unitary and discuss the advantages and disadvantages of the state structures.
- Discuss the processes of modern Ethiopian state formation and nation building.
- Comprehend the features of Ethiopian federalism.
- Conceptualize constitution, its classification and unique features.
- Define the term human rights, the unique features and its classifications.
- Differentiate the teleological, deontological and virtue theories.

# Chapter One: Understanding Civics and Ethics

*A Seed will only become a flower if it gets sun and water.*

- *Louis Gottschalk.*

## 1.1. Chapter Introduction

This chapter is an introductory part where some terms are conceptualized. Terms/words like civic education, citizen, citizenship, ethics and morality will be defined. Moreover, the relations between civics and ethics, goals of civics and ethics and competences of a good citizen are the subject matters of this chapter.

## 1.2. Chapter Objectives

After the successful completion of this chapter, students will be able to:

- Define civic education, ethics and morality.
- Differentiate civic education from ethics.
- Discuss the goals of civics and ethics.
- Enumerate and explain the competences of a good citizen and evaluate yourself in line with these competences.
- Use critical thinking, interpersonal skills and ethical theories to make judgements on moral issues and dilemmas.

## 1.3. Defining Civics, Ethics, Morality

### 1.3.1. Civic Education

***Brainstorming Question:***

What does civic education mean?

Since human being is a social animal and couldn't live alone, he/she has to respect certain fundamental principles and values to live together with his/her fellow beings and consequently build peaceful society and lead prosperous life. As Johan Stuart Mill (1972) described it, progressive and peaceful setting subsists in a given society as far as that society develops the qualities of its members

and generates good citizens. Aristotle (1955) also added that citizens of a State should always be educated to suit the constitution of a State. Accordingly, creating a good citizen has been the prior concern of many States, including Ethiopia. This is because good citizens are made not born.

Over the years, different terms have been used in an attempt to capture and describe the educational experiences that deal with the task of developing democratic minded citizens. The subject assumed different names and purposes depending on countries' ideologies and thus the definition of the discipline vary across States. Terms such as Right Education (in South Africa), Citizenship Education (in United States of America and Germany), Citizenship and Character Education (in Singapore), Civics and Ethical Education (in Ethiopia) are just a few examples that can be found in the literature.

Though the most cited definition of civic education is an education that studies about the rights and responsibilities of citizens of a politically organized group of people, different writers define it in many ways. For instance, Patrick (1986) defines civic education as the knowledge of the constitutions, the principles, values, history and application to contemporary life. Citizenship education can be understood as the knowledge, means, and activities designed to encourage students to participate actively in democratic life, accepting and exercising their rights and responsibilities. United Nations Development Program (UNDP, 2004) defines civic education as a way of learning for effective participation in a democratic and development process. On his part, Aggarwal (1982) linked civic education to the development of ideas, habits, behaviors and useful attitudes in the individual which enables him to be a useful member of the society. Still the subject matter can be also defined as the process of helping young people acquire and learn to use the skills, knowledge, and attitudes that will prepare them to be competent and responsible citizens throughout their lives.

Actually, these different concepts and meanings were used to differentiate between a maximal and a minimal civic education. The minimal concept of civic education is content-led, teacher-based, whole-class teaching and examination-based assessment. However, the maximal concept of civic education is comprised of knowledge, values and skills, and aims to prepare students for active, responsible participation. Unlike narrow minimalist civic education, it extends learning beyond the curriculum and classroom to all activities inside and outside school. In addition, it is highly dependent on interactive teaching, which requires discussion, debate and the creation of many opportunities for students to participate effectively.

## 1.3.2. The Definition and Nature of Ethics and Morality

### A. What Ethics is?

***Dear Students:***

What do we mean by the term 'ethics'? Before you read on, take a few moments to write down a definition of what you think the term means.

Ethics is a branch of philosophy that attempts to understand people's moral beliefs and actions (these modules use the terms, 'ethics' and 'morality'; 'ethical' and 'moral' interchangeably, although traditionally 'ethics' described the process of thinking about people's morality). Ethics, or moral philosophy, considers theories about what human beings are capable of doing, alongside accounts of what they ought to do if they are to live an ethically good life. Ethics also explores the meaning and the ranking of different ethical values, such as honesty, autonomy, equality and justice, and it considers ethical quandaries that human beings face in the course of living their own independent but, also, socially interdependent lives.

Ethics, or moral philosophy: considers theories about what human beings are capable of doing, alongside accounts of what they ought to do if they are to live an ethically good life. Ethics may share common ground with the law, religious belief, popular opinion, professional codes and the dictates of authority figures, but it is also broader than all of these and offers a set of tools and values against which their appropriateness can be evaluated.

Invariably all ethical questions involve a decision about what one *should do* in a specific instance. Notice the word should. Ethical questions are not concerned with what one would do (an essentially psychological concern) but what one *ought to* do. Judgments about such decisions are generally expressed with words like right and wrong, should and ought, or obligation and duty.

Occasionally the term ethics is used interchangeably with morals. Business or medical ethics, for example, is generally synonymous with morals. Although this is acceptable, a precise usage would apply the term's morals and moral to the conduct itself, while the terms ethics and ethical would refer to the study of moral conduct or to the code that one follows. Thus, the specific act of telling the caller you were home could be described as moral or immoral. But what makes any act moral or immoral, right or wrong fall within the province of ethics.

When we speak of moral problems then, we generally refer to specific problems, such as "Is lying ever right?" or "Is stealing always wrong?" in contrast, we can look at ethical problems as being more general and theoretical. Thus, "what makes any act, such as lying or stealing, right or wrong?" and "what makes any entity good?" are ethical problems. In short, morality refers to the degree to which an action conforms to a standard or norm of human conduct. Ethics refers to the philosophical study of values and of what constitute good and bad human conduct.

In dealing with human conduct from the perspective of obligation and value, ethics investigates a variety of related concerns. Among them are whether a standard of morality exists that applies to all people at all times everywhere, the precise nature of moral responsibility, the conditions under which one is morally accountable or responsible, and the proper end of law. When ethicists use word like "good" or "right" to describe a person or action they generally means that the person or action conforms to some standard. A good person or action has certain desirable qualities.

Ethicists often disagree about the nature of those standards and desirable qualities and follow different paths in establishing standards and discovering which qualities are desirable. For purposes of understanding, though, we can view ethics as divided into two fields; normative ethics and non-normative ethics.

**Generally, Ethics is:**

1. The critical examination and evaluation of what is good, evil, right and wrong in human conduct (Guy, 2001).

2. A specific set of principles, values and guidelines for a particular group or organization (Guy, 2001).
3. Ethics is the study of goodness, right action and moral responsibility, it asks what choices and ends we ought to pursue and what moral principles should govern our pursuits and choices (Madden, 2000).

### B. What is Morality?

Of course, morality is a complex concept. Though it is one of most frequently used terms, it can mean different things to different people. Morality is a commonly used word in most cultures. Some

Scholars argued that if we do not know what morality is we cannot teach it. In crucial ways we do not know what morality is. Yet we must teach it because it is of prime importance and must be learned. Moreover, teaching must not be brainwashing; it must be moral. So, in order to understand Moral and Civics Education, the term "moral" needs to be understood

Morality can be viewed from different perspectives and let us start with the simple definition of the word itself. Morality from a dictionary definition (from Latin *moralitas* "manner, character, proper behavior") refers to the concept of human action which pertains to matters of right and wrong – also referred to as "good and evil". It can be used to mean the generally accepted code of conduct in a society, or within a subgroup of society. It relates to values expressed as: a matter of individual choice, those values to which we ought to aspire and those values shared within a culture, religious, secular, or philosophical community. This definition is clear when morality is spelt out and agreed upon by others. However, it becomes ambiguous when defined by different ethnic groups, especially in the multicultural society, like Ethiopians.

Morality has been a topic of discussion for a very long time. According to Socrates "We are discussing no small matter, but how we ought to live" when issues of morality are discussed.

***Class Activity:***

Dear Student, Don't you agree with Socrates? What is your view?

Socrates is rightly asserted that morality is not a small matter. In fact, moral philosophy is the attempt to achieve a systematic understanding of the nature of morality and what it requires of us. In Socrates' words it's "how we ought to live". Living in a multicultural Ethiopia, how we ought to live can be very complicated because of the diversity of culture that is vast and unique.

Morality is, at the very least, the effort to guide one's conduct by reason that is, to do what there are the best reasons for doing while giving equal weight to the interest of each individual who will be affected by one's conduct. It is important that in a countries like Ethiopia, morality is shared as a common goal to ensure harmony and integrity.

Terms such as morality and ethics are often used interchangeably in everyday speech as referring to justified or proper conduct. But ethics is usually associated with a certain conduct within a profession, for example, the code of ethics for the teaching profession. Morality is a more general

term referring to the character of individuals and community. In other words, Morality is used to refer to what we would call moral conduct while ethics is used to refer to the formal study of moral conduct. It can be claimed that morality is related to praxis, but ethics is related to theory.

***Morality is:***

1. Those principles and values that actually guide, for better or worse, an individual's personal conduct (Guy, 2001)
2. Morality is the informal system of rational beings by which they govern their behavior in order to lesson harm or evil and do good, this system, although informal, enjoys amazing agreement across time and cultures concerning moral rules, moral ideas and moral virtues (Madden, 2000)

Morality, whatever else may be said about it, is about things over which we have control that lead to "bettering human life". It is different in every society, and is a convenient term for socially approved habits.

| Ethics | Morality |
|---|---|
| Is philosophical study of the code, standards or norm of human conduct and it is more theoretical and general one. | refers to the code of conduct one follows while ethics is the study of moral conduct or the study of the code that one follows |
| Ethics establish the standards, norms, or codes to be followed by human beings are the study of morality, moral principles, and moral decision making. | is the conformity of human behavior to the established code of conduct .If an action conform to the established code, it is called moral ,if not immoral |
| Is the development of reasonable standards and procedures for ethical decision-making? | refers to the effort to guide one's conduct by reason while giving equal weight to the interests of each individual who will be affected by one's conduct |
| Is a set of normative rules of conduct, a code, a standards that govern what one ought to do when the well-being, or duties to oneself, others or institutions is at stake. | Has to do with what one should do, all things considered, not what, in fact, any of us *will* so in a particular instance |

## 1.4. Ethics and Law

As against morals and ethics, laws are norms, formally approved by state, power or national or international political bodies. Many laws are instituted in order to promote well-being, resolve conflicts of interest, and promote social harmony. However, there are several reasons why ethics is not law. First, some actions that are illegal may not be unethical. Speeding is illegal, but one might have an ethical obligation to break the speed limit in order to transport someone to a hospital in an emergency. Second, some actions that are unethical may not be illegal. Most people would agree that lying is unethical but lying is only illegal under certain conditions, e.g. lying on an income tax return, lying when giving sworn testimony, etc. Third, laws can be unethical or immoral. The United States had laws permitting slavery in the 1800s but most people today would say that those laws were unethical or immoral. Although we have moral and ethical obligations to obey the law, civil disobedience can be justified when immoral or unethical laws exist.

Since we can appeal to morality and ethics to justify or criticize laws, many writers maintain that the main function of a legal system is to enforce a society's moral and ethical consensus. Fourth, we use different kinds of mechanisms to express, teach, inculcate, and enforce laws and ethics. Laws are expressed publicly in statutes, penal codes, court rulings, government regulations, and so forth. Although ethics and morals are sometimes made explicit in religious texts, professional codes of conduct, or philosophical writings, many ethical and moral standards are implicit. Finally, we use the coercive power of government to enforce laws. People who break certain laws can be fined, imprisoned, or executed. People who violate ethical or moral standards do not face these kinds of punishments unless their actions also violate laws. Often we "punish" people who disobey moral or ethical obligations by simply expressing our disapproval or by condemning the behavior.

## 1.5. The Importance/Goal of Moral and Civic Education

Civic education is a discipline that deals with virtue traits rooted in values of respect and culture of tolerance to make individuals responsible and efficient member of their community. It teaches the values and sense of commitment that define an active and principled citizen, how to make

responsible decisions, solve problems, care about others, contribute to society, and be tolerant and respectful of diversity.

In higher educational institutions of Ethiopia, civics and ethics/moral education is given with the aim of educating students about democratic culture, ethical values and principles, supremacy of constitution, the rule of law, rights and duties of citizens. These elements are imperative in the process of producing self-confident citizens who decides on issues based on reason. It is also aimed at creating a generation who has the capability to shoulder family and national responsibility. Ethics has also become important in education, because education is a fundamental process of human life. Therefore, ethics is very important subject in education. We can easily reach all knowledge by technology. In education using technology reveals some ethical problems such as plagiarism. In order to understand the importance of ethics, ethics should be placed as a course in educational system. Generally, the necessity of delivering the course emanates from:

***1) The need to instill citizens about their rights and duties*:** The two phrases rights and duties co-exist with each other (they are termed as the two sides of the same coin) that regulate the values and behavioral patterns of an individual. For instance, the State has the obligation to provide health care services because citizens have the right to access that service. However, the State will be unable to ensure that citizens led a healthy life unless citizens themselves act responsibly with respect to their own health, in terms of a healthy diet, exercise, and the consumption of liquor and tobacco. Similarly, the state will be unable to meet the needs of children, the elderly or the disabled, if citizens do not agree to share this responsibility by providing some care for their relatives; the state cannot protect the environment if citizens are unwilling to reduce, reuse, and recycle waste byproducts in their own homes; and attempts to create a fairer society will flounder if citizens are chronically intolerant of difference and generally lacking in what Rawls (1971) calls a sense of justice. In short, we need a fuller, richer and yet more subtle understanding and practice of citizenship, because what the ideal society needs and wants to be cannot be secured by coercion, but only through its members (citizens) who have a balanced understanding of rights and duties.

**Class Discussion:**

Discuss the values of having a balanced understanding about one's rights and duties as well as acting accordingly.

Sastry et al. (2011) presented four issues to look into the interplay between rights and duties. First, one's right implies the other's duty. This means every right of an individual automatically imposes a duty on others. For example, the right to freedom of movement imposes a duty on others not to interfere with the right of movement of any body, except regulated by law. Second, one's right implies one's duty to recognize similar rights of others. This implies that every exercise of right is subject to restrictions. For example, one has the freedom of speech and expression, but, at the same time, the practitioner has to bear in mind that the exercise of free speech and expression in no way affects the rights of others.

Third, one should exercise his rights for the promotion of social good. If any person tries to misuse the rights, which affect the rights of others or of the society or state, the Government has a duty to take appropriate legal action to prevent such acts. For example, if a person tries to abuse his right to freedom of speech and expression, the State can take legal action. Any such action by the State is justified. Fourth, the State being a nucleus organ needs to take care of the social and legal interests of all its individuals. From this point of view, the State has the obligation to discharge duties towards its citizens. As the State guarantees and protects the rights of everybody, one has a duty to support the State in its legal endeavors. Therefore, there is no doubt that there must be a balance between citizenship rights and obligations. For this reason, civics and ethics course provides to citizens to ensure that each individual become an informed citizen capable of thinking effectively as well as responsibly in carrying out their duties and observing rights.

***2) The Need for Participant Political Culture***: According to the International Encyclopedia of the Social Sciences (1961) political culture is the set of attitudes, beliefs, and sentiments which give order and meaning to a political process and which provide the underlying assumptions and rules that govern behavior in the political system. Taylor (1999) describes political culture as the norms of conduct both of and between the various political actors operating in society, together with the concomitant expectations and understandings of the rights and responsibilities of citizens, representatives, public servants and so on. Political culture shapes what people expect of their political system, what they see as possibilities for their own action, and what rights and responsibilities the various actors are perceived to have. Generally, political culture defines the roles which an individual may play in the political process.

Almond and Verba (1963) construct three political cultures: parochial cultures, subject cultures, and participant cultures. In parochial cultures citizens have low cognitive, affective, and evaluative orientation regarding the political systems, government powers and functions and even their privileges and duties. In such political culture, the role of citizens in the political sphere of their countries is insignificant since individuals thinks of their families advantage as the only goal to pursue. In subject cultures, there is high cognitive, affective, and evaluative orientation towards the political system and policy outputs, but orientations towards input objects (like political parties) and the self as active participants are minimal. Thus, orientation towards the system and its outputs is channeled via a relatively detached, passive relationship on the part of the citizen. Subject cultures are most compatible with centralized, authoritarian political structures. In participant cultures, members of society have high cognitive, affective, and evaluative orientation to the political system, the input objects, the policy outputs, and recognize the self as an active participant in the polity. Largely, participant cultures are most compatible with democratic political structures because the qualities and attitudes of citizens determine the health and stability of a country's democracy. Democracy can only thrive when citizens understand and participate actively in civic and political life from the perspective that participation is important, but informed and educated participation is more important.

***Discussion Question:***

Which political/civic culture best describes the Ethiopian political situations?

However, there are many factors challenging the democracy and democratization process of countries including Ethiopia. For instance, individual interests seem to be more important and dominant in the socio-economic and political structure of a given State. Apparently, many citizens lack the competences and knowledge to deal with the tensions between individually and socially centered norms and obligations. Besides, small parts of the population support the norm that a citizen should be politically active. That is, although many modes of political participation are available, most citizens still rely on voting only. But, it is clear that democratic political activities cannot be restricted to visiting a ballot box every five years. Likewise, the self-understanding of people as recipients/consumers instead of active citizens seems to be important challenges in the democratization process.

That's why people in a democratic country are supposed to have in-depth understanding on democratic behavior and able to behave democratically: individuals sense of identity and their ability to tolerate and work together with others who are different from themselves; their desire to participate in the political process in order to promote the public good and hold political authorities accountable; their willingness to show self-restraint and exercise personal responsibility in their economic demands and in personal choices-which affect their health and the environment. Without citizens who possess these qualities, democracies become difficult to govern, even unstable. For this reason, civics and ethics has been given to inculcate these competencies upon learners and, in turn, advance and strengthen the democratization process.

In active citizenship, also, participation is not restricted simply to the political dimension rather it also includes socio-cultural and environmental activities. This understanding of active citizenship is ethically-driven where activities should support the community and should not contravene the principles of human rights and the rule of law. The role to be played by civics and ethics is, therefore, acculturation learners with the attributes of active citizenship, democracy and equip them with the skills of participation in civil society, community and/or political life to ensure that the young possesses a combination of knowledge, skills, attitudes, and values at their disposal. So that they can develop and practice civic skills, offering opportunities for open discussions about political and social issues, fully discharges their role as citizens, and make informed and educated decisions about candidates and public policy. Generally, the subject plays undeniable role in democratization process through solving societal problems, socializing and re-socializing individuals by instilling desired values, helping individuals develop feeling of respect to others, develop a sense of belongingness and patriotism, and the like.

***3) The Need for Relevant Knowledge, Skills and Positive Attitudes***: Relevant knowledge is a type of knowledge which is useful in dealing with a particular problem at a period of time. However, knowledge would remain inert knowledge unless it is functional or put into practice to achieve a certain goal. Still knowledge would remain infirm if the person is not equipped with right attitudes and requisite skills which are basic to enable him/her perform his/her role as a credible member of a society. Hence, the State in question will do better in its bid for development if most of her citizens are skillful in one field or the other and also demonstrate positive attitudes at the work place. Right attitudes are very essential ingredients needed to ensure harmony and peaceful co-existence

among people. It is reasonable to claim that skillful manpower is a pre-requisite for every nation that wishes to develop but a skillful manpower without positive attitudes to work is likely to result in counter production because vices like corruption, bribery, abuse of power, lateness to and work absenteeism among others will pop their ugly heads. For this reason, civics and ethics is acknowledged as an essential subject from the perception that it can be a useful cure for the 'social ills' often associated with young people: that is, tendencies for anti-social behavior and political apathy among young people, or, what Osler and Starkey (2006: 437) describe as 'youth deficit'. At the local community level, it is assumed that social and environmental problems can best be resolved through an understanding of what it means to be a citizen.

***Group Discussion:***

What would happen in a State if its citizens lack relevant knowledge, skills and positive attitude?

***4) The issue of fostering intercultural societies*:** The recognition of cultural diversity is certainly meritorious, but civics and ethics education could move a step forward by appealing to the notion of inter-culturalism, which explicitly asserts the need for relationship, dialogue, reciprocity and interdependence. Beyond differences of semantics, civics and ethics education is a useful instrument not only towards tolerating or celebrating each other, but also about nurturing dynamic exchanges based on interaction, openness and effective solidarity. The subject helps to integrate the best traditions of multicultural and intercultural education to develop political and pedagogical strategies that contribute to overcome discrimination and to nurture genuine, inclusive dialogue among cultural groups.

***The issue of inclusiveness***: By framing a universal concept of citizenship constructed on the attributes/identities and practices of male subjects, gendered relations and the private sphere have been neglected. Civics and ethics as a subject is thought to nurture new and inclusive relations and practices in both public and private spaces that recognize gender differences while ensuring inclusiveness and equity. It should also go beyond the idea of quotas for women in formal politics, or strategies to empower women to play male politics. Hence, promoting democracy and inclusiveness in public spaces as well as in families, workplaces, unions, and other institutions become the area of focus of civics and ethics.

***5) The issue of peace-building***: in an environment characterized by increasing militarization, terrorism, civil wars and genocidal acts, it is urgent for citizenship education to advance pedagogical strategies to promote cooperation, dialogue, and a sustainable peace that is based on justice. It is obvious that civics and ethics alone cannot bring peace to our planet, yet it can make a valuable contribution to create the subjective conditions for more peaceful situations. This includes the development of competencies for peacemaking, conflict resolution, healing, reconciliation and reconstruction. It also includes an understanding of nonviolent civil disobedience philosophies, strategies and skills. A peace-oriented citizenship education can foster the development of values, attitudes and skills to nurture peace within ourselves and in our personal relationships, and to create the conditions for peace in our own communities and in the global community.

The aim of moral/ethical and civic education is to provide people to make decisions by their free wills. You can teach norms easily, but you cannot teach easily to obey these rules unless you teach ethics. Therefore, teaching ethics has an important and necessary place in education. Students who graduated from universities may be well educated persons in their professions but it is not enough. Aristotle also says, "Educating the mind without educating the heart is no education at all."

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Moral and Civics Education is based on and seeks to promote in students core moral, ethical, democratic, and educational values, such as:

- Respect for life
- Respect for reasoning
- Fairness
- Concern for the welfare of others
- Respect for diversity
- Peaceful resolution of conflict

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In sum the goals of teaching civics and ethics at any level of educational institutions is to produce competent, high moral standard society and responsible citizens who can ask and use their rights and fulfill their obligations in accordance with the laws of their respective country.

Democracy doesn't deserve its name without citizens' participation. Ever since Pericles this claim has been defended and discussed. The question is not whether citizens should be involved in democratic decision-making processes, but how much engagement and participation is required for a vibrant democracy. Citizens' involvement, however, cannot be taken for granted but depends heavily on resources, motivations, and social contacts. Orientations and activities of citizens that strengthen democracy and which, in turn, are strengthened by democratic experiences are summarized under the label active citizenship. Citizens cannot fulfill these ambitious tasks adequately without specific competences; that is, citizens need to have "a combination of knowledge, skills, attitudes, and values" at their disposal enabling them "to become an active citizen" (Hoskins et al., 2011).

In the last ten to fifteen years we have witnessed some remarkable efforts to 'revise' or 'revitalize' the tradition of citizenship education within schools and education systems. There have even been demands to 'reinvent' or 'revitalize' civic education. Often they deplored the still existing neglect and disregard in the field of citizenship education and asked for a new and specified form of "democratic citizenship education" beyond just "civics," for a new way of "teaching democracy" beyond teaching institutional political settings or a new "education of, for and through democracy" beyond mere teacher-centered instruction in politics (Lange, 2013).

## Chapter Summary

Different authors define civic education in different ways. But the most cited definition of civic education is an education that studies about the rights and responsibilities of citizens of a politically organized group of people. Ethics is a branch of philosophy that deals with the rightness and wrongness of human actions. In this regard, Ethics is the study of morality. Whereas morality is defined as a set of personal and social values, rules, beliefs, laws, emotions, and ideologies collectively governing and arbitrating the rightness and wrongness of human actions. In higher institutions of Ethiopia, civics and ethics is given with the aim of educating students about democratic culture, ethical values and principles, supremacy of constitution, the rule of law, rights and duties of citizens. The major goal of civics and ethics is producing good citizens, citizens who obey the law; respect the authority**;** contribute to society**;** love their country**;** believe in doing what is right; stand up for the right of others; tries to serve the interest of others before oneself. It is also aimed at creating a generation who has the capability to shoulder family and national responsibility.

Thus, in conclusion, it is important to state that the normative value of ethics in life explores what is our origin as human beings. It takes into consideration the fact 'the unexamined life is not worth living;' to quote the ancient sage, Socrates. Without the fundamental factors of self-critique, of the ethical questioning and practical engagement, of the fundamental factors of tradition – something lived out in the present that proposes and gives its reasons – the youth would remain fragile, doubtful and sceptical. Exposure to life's experiences which is achieved beyond the classroom is risky. But it helps the student to become authentic, standing on one's own feet and daring the current. This is not the domain of Ethics in Higher education but the normative value of ethics and life. It is confrontation with man's real identity and the questions of contradictions of life, yet tackled beyond doubt.

The context of a new vision for education which calls for mindset shift from reading and writing to skills acquisition with relevance for daily life and society becomes imperative. Ethics education is opportunity for a new value orientation. Such education ensures the training of both the teacher and the student, develops new technologies and conclusively allows a new vision, a new policy, a new

market, new resources and a new system. The normative value of this kind of education is the emergence of a new humanity of responsible leaders driven by values and virtues and knowledgeable enough to transform their environment and serve entire humanity in a new society yearning for ethical and fair minded leaders.

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# Chapter Two: Approaches to Ethics

## 2.1. Chapter Introduction

Human beings ask questions about nature of morality. In the process of prescriptive inquiry, we employ a specific vocabulary. We also invoke theories to explain the nature of morality. All moral theories address the questions of what is Good, why it's Good, and where the Good is located? If there is anything "easy" about moral inquiry it's the fact that there are only three basic kinds of prescriptive moral theories: teleological theories, deontological theories, and virtue-based theories. Unfortunately, they often (but not always) provide different and mostly conflicting answers to these basic questions. This Chapter aim to introduce you to various ethical theories.

## 2.2. Chapter Objectives

After reading this chapter, students will be able to:

- Discuss ideas, feelings and questions about activities regarded as right or wrong, good or bad.
- Explain why there are particular rules about what is right or wrong, good or bad behavior for different groups and situations.
- Analyze the ethical dimensions of various rules and codes of behavior.
- Examine the personal and community factors involved in defining beliefs about what is right or wrong, good or bad behavior.
- Analyze how different contexts and situations influence personal values, attitudes, beliefs and behaviors.
- Critically analyze how groups justify particular actions and behaviors.

***Activity:***

Are you the type of person who usually 'does the right thing'? How do you know what the 'right thing' is?

## 2.3. Normative Ethics

We may now begin our review of problems and views in the area of normative ethics, starting with the theory of obligation and then going on to the theory of moral value and, finally, to the theory of nonmoral value. The ultimate concern of the normative theory of obligation is to guide us in the making of decisions and judgments about actions in particular situations. A main concern, of course, is to guide us in our capacity as agents trying to decide what we should do in this case and in that. But we want to know more than just what we should do in situations before us. We also wish to make judgments about what others should do, especially if they ask us about what we or they should have done, about whether what we or someone else did was right or wrong, and so on. We are not just agents in morality; we are also spectators, advisers, instructors, judges, and critics. Still, in all of these capacities our primary question is this: how may or should we decide or determine what is morally right for a certain agent (oneself or another, possibly a group or a whole society) to do, or what he morally ought to do, in a certain situation?

Normative ethics;

- Offers theories or accounts of the best way to live. These theories evaluate actions in a systematic way, i.e., they may focus on outcomes or duties or motivation as a means of justifying human conduct.
- Includes ethical theories or approaches such as utilitarianism, deontology, virtue ethics, principlism, narrative ethics and feminist ethics.

Normative ethics poses questions of the following kind:

- ✓ Are there general principles or rules that we could follow which distinguish between right and wrong? Or:
- ✓ Are there virtues and/or relationships that we can nurture, in order to behave well?

### 2.3.1. Teleological Ethics (Consequentialist)

**What is teleological/Consequentialist ethics?**

It is referred as "the end justifies the means". It believes in purpose, ends or goals of an action, it stress that the consequences of an action determines the morality or immorality of a given action. Which means an action is judged as right or wrong, moral or immoral depending on what happens because of it. One may have the best intention or follow the highest moral principles but if the result, moral act is harmful, or bad it must be judged as morally or ethically wrong act.

Having agreed on one ground or another that the standard of right and wrong cannot be simply the prevailing set of moral rules, moral philosophers have offered us a variety of alternative standards. In general their views have been of two sorts: (1) *deontological* theories and (2) *teleological* ones. A teleological theory says that the basic or ultimate criterion or standard of what is morally right, wrong, obligatory, etc., is the non-moral value that is brought into being. The final appeal, directly or indirectly, must be to the comparative amount of good produced, or rather to the comparative balance of good over evil produced. Thus, an act is *right* if and only if it or the rule under which it falls produces, will probably produce, or is intended to produce *at least as great a balance of good over evil* as any available alternative; an act is *wrong* if and only if it does not do so. An act *ought to be done* if and only if it or the rule under which it falls produces, will probably produce, or is intended to produce *a greater balance of good over evil* than any available alternative.

It is important to notice here that, for a teleologist, the moral quality or value of actions, persons, or traits of character, is dependent on the comparative nonmoral value of what they bring about or try to bring about. For the moral quality or value of something to depend on the moral value of whatever it promotes would be circular. Teleological theories, then, make the right, the obligatory, and the morally good dependent on the nonmorally good. Accordingly, they also make the theory of moral obligation and moral value dependent, in a sense, on the theory of nonmoral value. In order to know whether something is right, ought to be done, or is morally good, one must first know what is good in the nonmoral sense and whether the thing in question promotes or is intended to promote what is good in this sense.

It should also be noticed, however, that teleologists may hold various views about what is good in the nonmoral sense. Teleologists have often been hedonists, identifying the good with pleasure and evil with pain, and concluding that the right course or rule of action is that which produces at least as great a balance of pleasure over pain as any alternative would. But they may be and have

sometimes been non-hedonists, identifying the good with power, knowledge, self-realization, perfection etc. This fact must not be forgotten when we are evaluating the teleological theory of obligation. All that is necessary is that the teleologist have *some* view about what is good or bad, and that he determine what is right or obligatory by asking what is conducive to the greatest balance of good over evil.

Deontological theories deny what teleological theories affirm. They deny that the right, the obligatory, and the morally good are wholly, whether directly or indirectly, a function of what is nonmorally good or of what promotes the greatest balance of good over evil for self, one's society, or the world as a whole. They assert that there are other considerations that may make an action or rule right or obligatory besides the goodness or badness of its consequences -- certain features of the act itself other than the *value* it brings into existence, for example, the fact that it keeps a promise, is just, or is commanded by God or by the state. Teleologists believe that there is one and only one basic or ultimate right-making characteristic, namely, the comparative value (nonmoral) of what is, probably will be, or is intended to be brought into being. Deontologists either deny that this characteristic is right-making at all or they insist that there are other basic or ultimate right-making characteristics as well. For them the principle of maximizing the balance of good over evil, no matter for whom, is either not a moral criterion or standard at all, or, at least, it is not the only basic or ultimate one.

To put the matter in yet another way: a deontologist contends that it is possible for an action or rule of action to be the morally right or obligatory one even if it does not promote the greatest possible balance of good over evil for self, society, or universe. It may be right or obligatory simply because of some other fact about it or because of its own nature. It follows that a deontologist may also adopt any kind of a view about what is good or bad in the nonmoral sense.

Teleologists differ on the question of whose good it is that one ought to try to promote. *Ethical egoism* holds that one is always to do what will promote his own greatest good -- that an act or rule of action is right if and only if it promotes at least as great a balance of good over evil for him in the long run as any alternative would, and wrong if it does not. This view was held by Epicurus, Hobbes, and Nietzsche, among others. *Ethical universalism*, or what is usually called *utilitarianism*, takes the position that the ultimate end is the greatest general good -- that an act or rule of action is right

if and only if it is, or probably is, conducive to at least as great a balance of good over evil in the universe as a whole as any alternative would be, wrong if it is not, and obligatory if it is or probably is conducive to the greatest possible balance of good over evil in the universe. The so-called utilitarians, for example, Jeremy Bentham and John Stuart Mill, have usually been hedonists in their view about what is good, asserting that the moral end is the greatest balance of pleasure over pain. But some utilitarians are not hedonists, for example, G. E. Moore and Hastings Rashdall, and so have been called "Ideal" utilitarians. That is, utilitarianism is a certain kind of teleological theory of obligation and does not entail any particular theory of value, although a utilitarian must accept some particular theory of value.

It would also be possible, of course, to adopt teleological theories intermediate between ethical egoism and utilitarianism, for example, theories that say the right act or rule is one conducive to the greatest balance of good over evil for a certain group -- one's nation, class, family, or race. A pure *ethical altruist* might even contend that the right act or rule is the one that most promotes the good of *other* people. We shall, however, limit our coming discussion to egoism and universalism.

## 2.3.2. Egoism: Ethical and psychological Egoism

### 2.3.2.1. Ethical Egoism

We usually assume that moral behavior, or being ethical, has to do with not being overly concerned with oneself .In other words, selfishness is assumed to be unacceptable attitude. Even among scholars, there is disagreement about what constitutes ethical behavior. Since very early in western intellectual history, the view point that *humans are not built to look out for other people's interests* has surfaced regularly. Some scholars even hold that proper moral conduct consist of "*looking out for number one*," period. These viewpoints are known as psychological egoism and ethical egoism respectively.

We may focus on the consequences of our actions because we believe that those consequences justify our actions (in other words, that the end justify the means), but this does not necessarily imply that the consequences we hope for are good in the egoist sense that may maximize happiness for one self. We might, for instance, not agree with the Italian states man Niccolo Machiavelli (1469-1527) that if the end is to maintain political power for one self, ones king or ones political party, then this will justify any means that one might use for that propose, such as force, surveillance, or

even deceit. Although this famous theory is indeed Consequentialist, it does not qualify as utilitarian, because it doesn't have the common good as its ultimate end.

Dear Students, would you give your view on the following case?

Some years ago, a Good Samaritan stopped to help a man whose car had broken down on the freeway. The man shot and killed the Samaritan, stole his car, and proceeded to lead the police, on a high-speed chase. Eventually he ran out of gas and began a shoot-out with the police, who subsequently killed him. This, of course, didn't bring the Samaritan back to life. Although most people would admire the Good Samaritan for what he did and although we may deplore the fact that few people now would be inclined to follow his example, the ethical egoist would say that, the Samaritan did the wrong thing. For ethical egoism there is only one rule. *Look after yourself* you have no business stopping for anybody on the freeway; indeed, the ethical egoist would say, if you do stop you are throwing your life away.

This theory is called ethical egoism simply because it is an ethical theory, a normative theory about *how we ought to behave*. The theory implies that we ought to be selfish. Or, to put it more gently, we ought to be self-interested. Calling the theory "ethical" does not suggest that there might be a decent way to be selfish; it just means that ethical egoism is a theory that advocates egoism as a moral rule.

- **You should look after yourself**

Ethical egoist insisted that if you don't take advantage of a situation, you are foolish. The claim that it makes good sense to look after yourself, and morality is a result of that self –interest. If I mistreat others, they mistreat me, so I resolve to behave myself. This is a rather twisted version of the Golden Rule (Do un to others as you would have them do unto you). It is twisted because it is peculiarly slanted toward our own self –interests. The reason we should treat others the way we would like to be treated is that it gives us a good chance of receiving just such treatment; we do it for ourselves, not for others. So, do unto others so that you will be done unto in a similar way.

One argument for ethical egoism follows immediately from the theory of psychological egoism, which we examined in the previous section. If I am psychologically programmed to act only in my own best interest, then I can never be obligated to perform altruistic (that is, selfless) acts toward

others. More formally the argument is this:

**(1)** We all always seek to maximize our own self-interest (definition of psychological egoism).

**(2)** If one cannot do an act, one has no obligation to do that act (ought to implies can).

**(3)** Altruistic acts involve putting other people's interests ahead of our own (definition of altruism).

**(4)** But, altruism contradicts psychological egoism and so is impossible (by premises 1 and 3).

**(5)** Therefore, altruistic acts are never morally obligatory (by premises 2 and 4).

So the ethical egoist might certainly decide to stop for a stranded motorist on the freeway, not for the sake of the motorist but to ensure that "what goes around, comes around." The Golden Rule usually emphasizes others, but for the ethical egoist it emphasizes the self. Any theory that looks solely to consequences of actions is known as a Consequentialist theory.

The consequences that ethical egoism stipulates are good consequences for the person taking the action. Saying that people ought to look after themselves need not, of course, mean that one should annoy others whenever possible, step on their toes, or deliberately neglect their interests. It simply suggests that one should do what will be of long term benefit to one self, such as exercising, eating healthy food, avoiding repetitive argumentative situations, abstaining from over eating, and so forth. In conjunction, it suggests that other people's interests are of no importance. If you might advance your own interests by helping others, then by all means help others but only if you are the main beneficiary. It is fine to help your children get a head in school, because you love them and this love is a rationale for you. But there is no reason to lend a hand to your neighbor's children, unless you like them or you achieve gratification through your action.

This interpretation, which tells us to do whatever will benefits ourselves results in a rewriting of the Golden Rule, because, obviously, it is not always the case that you will get the same treatment from other that you give to them. Occasionally you might get away with not treating others decently because they may never know that you are the source of the bad treatment they are receiving .Ethical egoism tells you that it is perfectly all right to treat others in a way that is to your advantage and not to theirs as long as you can be certain that you will get away with it.

The following are some method to apply the principle of ethical egoism to a particular situation.

- List the possible acts

- For each act, see how much net good it would do for you.
- Identify the act that does the most net good for you

**Some important things to notice about ethical egoism:**

- ✓ It does not just say that, from the moral point of view, one's own welfare counts as well as that of others. Rather, it says that, from the moral point of view, only one's own welfare counts, and others' does not, when one is making a moral decision about how to act.
- ✓ Ethical egoism does not forbid one to help others, or require one to harm others. It just says that whatever moral reason you have to help others, or not harm them, must ultimately stem for the way in which helping them or not harming them helps you.
- ✓ Ethical egoism does not say that one ought always to do what is most pleasurable, or enjoyable. It acknowledges that one's own self–interest may occasionally require pain or sacrifice.

## 2.3.2.2. Psychological Egoism

The main argument that has been used as a basis for ethical egoism is a psychological one, an argument from human nature. We are all so constituted, it is said, that one always seeks one's own advantage or welfare, or always does what he thinks will give him the greatest balance of good over evil. In Butler's terms, this means that "self-love" is the only basic "principle" in human nature; in one set of contemporary terms, it means that "ego-satisfaction" is the final aim of all activity or that "the pleasure principle" is the basic "drive" in every individual. If this is so, the argument continues, we must recognize this fact in our moral theory and infer that our basic ethical principle must be that of self-love, albeit cool self-love. To hold anything else is to fly in the face of the facts.

It is usual here to object that one cannot logically infer an ethical conclusion from a psychological premise in this way. This objection has some force, as we shall see in Chapter 6. But the egoist may not be doing this. He may only be contending that, if human nature is as he describes it, it is simply unrealistic and even unreasonable to propose that we ought basically to do anything but what is for our own greatest good. For, in a sense, we cannot do anything but this, except by mistake, and, as a famous dictum has it. "Ought" implies "can". Thus understood, the psychological argument for ethical egoism is at least reasonable, even if it is not logically compelling.

Thus, ethical egoism has generally presupposed what is called *psychological egoism* -- that each of us is always seeking his own greatest good, whether this is conceived of as pleasure, happiness, knowledge, power, self-realization, or a mixed life. The question is not whether egoism is strong in human nature but whether we ever have any concern or desire for the welfare of others except as a means to our own, any concern for or interest in their welfare for its own sake, which is not derived from our concern for our own welfare. In dealing with this ethical theory;

(1) That the desire for one's own good presupposes or builds upon the existence of more basic desires for food, fame, sex, etc. If we did not have any of these "primary appetites," we would not have any good to be concerned about; our welfare consists of the satisfaction of such desires.

(2) It follows, that the object of these basic desires is not one's own welfare; it is food, fame, sex, etc., as the case may be. One's own good is not the object of all of one's desires but only of one of them, self- love.

(3) That in some cases the object of a basic desire is something for oneself, for example, food or the eating of food. But there is no necessity about this; the object may be something for someone else, for example, enjoying the sight of the ocean. In other words, there may be altruistic impulses. There may also be a desire to do the right as such. Whether there are such desires or not is a question of empirical fact.

(4) As a matter of fact, there are such altruistic interests in the welfare of others (sheer malevolence, if it exists, is a desire that another experience pain for its own sake), as well as a desire to do the right as such.

At this point it is usual for the psychological egoist to say, "Yes, we do things for others, but we get satisfaction out of doing them, and this satisfaction is our end in doing them. Doing them is only a means to this satisfaction. Hence, even in doing 'altruistic' things for others, like taking them to see the ocean, we are seeking our own good."

To this criticism, some argued that, of course, we get satisfaction out of doing such things, but we do not want to do them because of the satisfaction we expect to get out of them, we get satisfaction out of doing them because we wanted to do them. The psychological egoist is putting the cart

before the horse. They confuses the *object* of B's desire (A's enjoying the ocean) with the *satisfaction* that results for B when this object is attained. Suppose B fails to get A to the ocean or that A does not enjoy seeing it. Then B will experience frustration, but it will not follow that this frustration is his goal; he experiences frustration because his goal is to have A enjoy himself.

Generally, Egoistic and particularistic consequentialism only takes into consideration how the consequences of an act will affect oneself or a given group – e.g. one's family, fellow citizens/compatriots, class or race. Moral rightness depends on the consequences for an individual agent or a limited group.

### 2.3.3. Utilitarianism: Producing the best consequences

That action is best, which procures the greatest happiness for the greatest numbers.

***Activity:***

Suppose you are at Jigjiga with a dying millionaire. With his final words, he begs you for one final favor: "I've dedicated my whole life to football and for fifty years have gotten endless pleasure rooting for the Ethiopian Coffee Club. Now that I am dying, I want to give all my assets, $2 million, to the Ethiopian Coffee Club." Pointing to a box containing money in large bills, he continues: "Would you take this money back to Addis Ababa and give it to the Ethiopian Coffee Club' owner so that they can buy better players?" You agree to carry out his wish, at which point a huge smile of relief and gratitude breaks out on his face as he expires in your arms. After traveling to Addis Ababa, you see a newspaper advertisement placed by your favorite charity, the Ethiopian Red Cross Society (ERCS) (whose integrity you do not doubt), pleading for $2 million to be used to save 100,000 people dying of starvation. Not only will the $2 million save their lives, but it will also purchase equipment and the kinds of fertilizers necessary to build a sustainable economy. You decide to reconsider your promise to the dying Ethiopian Coffee Club fan, in light of this advertisement.

***What is the right thing to do in this case?***

Consider some traditional moral principles and see if they help us come to a decision. One principle often given to guide action is "Let your conscience be your guide." Suppose your conscience tells you to give the money to the Ethiopian Coffee Club and my conscience tells me to give the money

to the Ethiopian Red Cross Society (ERCS). How can we even discuss the matter? If conscience is the end of it, we're left mute.

Another principle urged on us is "Do whatever is most loving"; Love is surely a wonderful value. It is a more wholesome attitude than hate, and we should overcome feelings of hate if only for our own psychological health. But is love enough to guide our actions when there is a conflict of interest? "Love is blind," it has been said, "but reason, like marriage, is an eye-opener." Whom should I love in the case of the disbursement of the millionaire's money—the millionaire or the starving people? It's not clear how love alone will settle anything. In fact, it is not obvious that we must always do what is most loving. Should we always treat our enemies in loving ways? Or is it morally permissible to feel hate for those who have purposely and unjustly harmed us, our loved ones, or other innocent people? Should the survivors of Auschwitz love Adolph Hitler? Love alone does not solve difficult moral issues.

A third principle often given to guide our moral actions is the Golden Rule: "Do to others as you would have them do to you." This, too, is a noble rule of thumb, one that works in simple, commonsense situations. But it has problems. First, it cannot be taken literally. Thus, the rule must be modified: "Do to others as you would have them do to you if you were in their shoes." However, this still has problems. Likewise, the Golden Rule doesn't tell me to whom to give the millionaire's money.

Conscience, love, and the Golden Rule are all worthy rules of thumb to help us through life. They work for most of us, most of the time, in ordinary moral situations. But, in more complicated cases, especially when there are legitimate conflicts of interests, they are limited.

A more promising strategy for solving dilemmas is that of following definite moral rules. Suppose you decided to give the millionaire's money to the Ethiopian Coffee Club to keep your promise or because to do otherwise would be stealing. The principle you followed would be "Always keep your promise." Principles are important in life. If you decided to act on the principle of keeping promises, then you adhered to a type of moral theory called deontology. As you will see so far that deontological systems maintain that the center of value is the act or kind of act; certain features in the act itself have intrinsic value. For example, a deontologist would see something intrinsically wrong in the very act of lying. If, on the other hand, you decided to give the money to the Ethiopian

Red Cross Society (ERCS) to save an enormous number of lives and restore economic solvency to the society, you sided with a type of theory called teleological ethics. Sometimes, it is referred to as consequentialist ethics. The center of value here is the outcome or consequences of the act. For example, a teleologist would judge whether lying was morally right or wrong by the consequences it produced.

We have already examined one type of teleological ethics: ethical egoism, the view that the act that produces the most amount of good for the agent is the right act. Egoism is teleological ethics narrowed to the agent himself or herself. Unlike ethical egoism, utilitarianism is a universal teleological system. It calls for the maximization of goodness in society—that is, the greatest goodness for the greatest number—and not merely the good of the agent.

### 2.3.3.1. Classic Utilitarianism

In our normal lives we use utilitarian reasoning all the time. As a formal ethical theory, the seeds of utilitarianism were sewn by the ancient Greek philosopher Epicurus (342–270 BCE), who stated that "pleasure is the goal that nature has ordained for us; it is also the standard by which we judge everything good." According to this view, rightness and wrongness are determined by pleasure or pain that something produces. Epicurus's theory focused largely on the individual's personal experience of pleasure and pain, and to that extent he advocated a version of ethical egoism. Nevertheless, Epicurus inspired a series of eighteenth-century philosophers who emphasized the notion of general happiness—that is, the pleasing consequences of actions that impact others and not just the individual.

The classical expressions of utilitarianism, though, appear in the writings of two English philosophers and social reformers Jeremy Bentham (1748–1832) and John Stuart Mill (1806–1873). They were the nonreligious ancestors of the twentieth-century secular humanists, optimistic about human nature and our ability to solve our problems without recourse to God. Engaged in a struggle for legal as well as moral reform, they were impatient with the rule-bound character of law and morality in eighteenth- and nineteenth-century Great Britain and tried to make the law serve human needs and interests.

### 2.3.3.2. Jeremy Bentham: Quantity over Quality

There are two main features of utilitarianism, both of which Bentham articulated:

- ***The consequentialist principle (or its teleological aspect):*** states that the rightness or wrongness of an act is determined by the goodness or badness of the results that flow from it. It is the end, not the means that counts; the end justifies the means. and

- ***The utility principle (or its hedonic aspect):*** states that the only thing that is good in itself is some specific type of state (for example, pleasure, happiness, welfare).

Hedonistic utilitarianism views pleasure as the sole good and pain as the only evil. An act is right if it either brings about more pleasure than pain or prevents pain, and an act is wrong if it either brings about more pain than pleasure or prevents pleasure from occurring. Bentham invented a scheme for measuring pleasure and pain that he called the hedonic calculus: The quantitative score for any pleasure or pain experience is obtained by summing the seven aspects of a pleasurable or painful experience: its intensity, duration, certainty, nearness, fruitfulness, purity, and extent.

Adding up the amounts of pleasure and pain for each possible act and then comparing the scores would enable us to decide which act to perform. With regard to our example of deciding between giving the dying man's money to the Ethiopian Coffee Club or to the famine victims, we would add up the likely pleasures to all involved, for all seven qualities. If we found that giving the money to the famine victims would cause at least 3 million hedons (units of happiness) but that giving the money to the Ethiopian Coffee Club would cause less than 1,000 hedons, we would have an obligation to give the money to the famine victims.

There is something appealing about Bentham's utilitarianism. It is simple in that there is only one principle to apply: Maximize pleasure and minimize suffering. It is commonsensical in that we think that morality really is about reducing suffering and promoting benevolence. It is scientific: Simply make quantitative measurements and apply the principle impartially, giving no special treatment to ourselves or to anyone else because of race, gender, personal relationship, or religion.

### 2.3.3.3. John Stuart Mill: Quality over Quantity

It was to meet these sorts of objections and save utilitarianism from the charge of being a pig philosophy that Bentham's successor, John Stuart Mill, sought to distinguish happiness from mere sensual pleasure. His version of the theory is often called eudaimonistic utilitarianism (from the Greek eudaimonia, meaning "happiness"). He defines happiness in terms of certain types of higher-order pleasures or satisfactions such as intellectual, aesthetic, and social enjoyments, as well as in terms of minimal suffering. That is, there are two types of pleasures. The lower, or elementary, include eating, drinking, sexuality, resting, and sensuous titillation. The higher include high culture, scientific knowledge, intellectuality, and creativity. Although the lower pleasures are more intensely gratifying, they also lead to pain when overindulged in. The higher pleasures tend to be more long term, continuous, and gradual.

Mill argued that the higher, or more refined, pleasures are superior to the lower ones: "It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied." Humans are the kind of creatures who require more to be truly happy. They want the lower pleasures, but they also want deep friendship, intellectual ability, culture, the ability to create and appreciate art, knowledge, and wisdom.

The point is not merely that humans wouldn't be satisfied with what satisfies a pig but that somehow the quality of the higher pleasures is better. But what does it mean to speak of better pleasure? The formula he comes up with is this: Happiness … [is] not a life of rapture; but moments of such, in an existence made up of few and transitory pains, many and various pleasures, with a decided predominance of the active over the passive, and having as the foundation of the whole, not to expect more from life than it is capable of bestowing.

Mill is clearly pushing the boundaries of the concept of "pleasure" by emphasizing higher qualities such as knowledge, intelligence, freedom, friendship, love, and health. In fact, one might even say that his litmus test for happiness really has little to do with actual pleasure and more to do with a non-hedonic cultivated state of mind.

### 2.3.3.4. Act- And Rule-Utilitarianism

There are two classical types of utilitarianism: act- and rule-utilitarianism. In applying the principle of utility, act-utilitarians, such as Bentham, say that ideally we ought to apply the principle to all of the alternatives open to us at any given moment. We may define act-utilitarianism in this way:

Act-utilitarianism argues that an act is right if and only if it results in as much good as any available alternative. One practical problem with act-utilitarianism is that we cannot do the necessary calculations to determine which act is the correct one in each case, for often we must act spontaneously and quickly. So rules of thumb are of practical importance—for example, "In general, don't lie," and "Generally, keep your promises." However, the right act is still that alternative that results in the most utility. A second problem with act-utilitarianism is that it seems to fly in the face of fundamental intuitions about minimally correct behavior. The alternative to act-utlitarianism is a view called rule-utilitarianism—elements of which we find in Mill's theory. Most generally, the position is this:

**Rule-utilitarianism**: An act is right if and only if it is required by a rule that is itself a member of a set of rules whose acceptance would lead to greater utility for society than any available alternative. Human beings are rule-following creatures. We learn by adhering to the rules of a given subject, whether it is speaking a language, driving a car, dancing, writing an essay, rock climbing, or cooking. We want to have a set of actionguiding rules by which to live. The act-utilitarian rule, to do the act that maximizes utility, is too general for most purposes. Often, we don't have time to decide whether lying will produce more utility than truth telling, so we need a more specific rule prescribing truthfulness that passes the test of rational scrutiny.

***Activity:***

Debates between act- and rule-utilitarians continue today. To illustrate, suppose you are the driver of a trolley car and suddenly discover that your brakes have failed. You are just about to run over five workers on the track ahead of you. However, if you act quickly, you can turn the trolley onto a sidetrack where only one man is working. What should you do?

**The Strengths of Utilitarianism**

Utilitarianism has three very positive features. The first attraction or strength is that it is a single principle, an absolute system with a potential answer for every situation: Do what will promote the most utility! It's good to have a simple, action-guiding principle that is applicable to every occasion—even if it may be difficult to apply (life's not simple).

Its second strength is that utilitarianism seems to get to the substance of morality. It is not merely a formal system that simply sets forth broad guidelines for choosing principles but offers no principles—such as the guideline "Do whatever you can universalize." Rather it has a material core: We should promote human (and possibly animal) flourishing and reduce suffering. The first virtue gives us a clear decision procedure in arriving at our answer about what to do.

The second virtue appeals to our sense that morality is made for people and that morality is not so much about rules as about helping people and alleviating the suffering in the world. As such, utilitarianism seems commonsensical. For instance, it gives us clear and reasonable guidance in dealing with the Kitty Genovese case: We should call the police or do what is necessary to help her, as long as helping her does not create more disutility than leaving her alone. And, in the case of deciding what to do with the dead millionaire's $2 million, something in us says that it is absurd to keep a promise to a dead person when it means allowing hundreds of thousands of famine victims to die. Far more good can be accomplished by helping the needy than by giving the money to the Yankees!

A third strength of utilitarianism is that it is particularly well suited to address the problem of posterity—namely, why we should preserve scarce natural resources for the betterment of future generations of humans that do not yet exist. Expressed rhetorically, the question is "Why should I care about posterity; what has posterity ever done for me?" In Chapter 6, we saw that the theory of ethical egoism failed to give us an adequate answer to this problem. That is, the egoist gains nothing by preserving natural resources for future generations that do not yet exist and thus can give no benefit to the egoist. However, utilitarians have one overriding duty: to maximize general happiness. As long as the quality of life of future people promises to be positive, we have an obligation to continue human existence, to produce human beings, and to take whatever actions are necessary to ensure that their quality of life is not only positive but high.

What are our obligations to future people? If utilitarians are correct, we have an obligation to leave posterity to as good a world as we can. This would mean radically simplifying our lifestyles so that we use no more resources than are necessary, keeping as much top soil intact as possible, protecting endangered species, reducing our carbon dioxide emissions, preserving the wilderness, and minimizing our overall deleterious impact on the environment in general while using technology wisely.

**Criticism of Utilitarianism**

Utilitarianism has been around for several centuries, but so too have been its critics, and we need to address a series of standard objections to utilitarianism before we can give it a "philosophically clean bill of health."

**Problems with Formulating Utilitarianism**

The first set of problems occurs in the very formulation of utilitarianism: "The greatest happiness for the greatest number." Notice that we have two "greatest" things in this formula: "happiness" and "number." Whenever we have two variables, we invite problems of determining which of the variables to rank first when they seem to conflict. To see this point, consider the following example:

Dear Students;

Suppose that I am offering a $1,000 prize to the person who runs the longest distance in the shortest amount of time. Three people participate: Abebe runs 5 km in 31 minutes, Kelbesa runs 7 km in 50 minutes, and Obang runs 1 km in 6 minutes. ***Who should get the prize?*** Abebe has fulfilled one part of the requirement (run the longest distance), but Obang has fulfilled the other requirement (run the shortest amount of time).

This is precisely the problem with utilitarianism. On the one hand, we might concern ourselves with spreading happiness around so that the greatest number obtain it (in which case, we should get busy and procreate a larger population). On the other hand, we might be concerned that the greatest possible amount of happiness obtains in society (in which case, we might be tempted to allow some people to become far happier than others, as long as their increase offsets the losers' diminished happiness). So should we worry more about total happiness or about highest average?

**The Comparative Consequences Objection**

Another crucial problem with utilitarianism is that it seems to require a superhuman ability to look into the future and survey a mind-boggling array of consequences of actions. Of course, we normally do not know the long-term consequences of our actions because life is too complex and the consequences go on into the indefinite future.

**The Consistency Objection to Rule-Utilitarianism**

An often-debated question about rule-utilitarianism is whether, when pushed to its logical limits, it must either become a deontological system or transform itself into act-utilitarianism. As such, it is an inconsistent theory that offers no truly independent standard for making moral judgments. Briefly, the argument goes like this: Imagine that following the set of general rules of a rule-utilitarian system yields 100 hedons (positive utility units). We could always find a case where breaking the general rule would result in additional hedons without decreasing the sum of the whole. So, for example, we could imagine a situation in which breaking the general rule "Never lie" to spare someone's feelings would create more utility (for example, 102 hedons) than keeping the rule would. It would seem that we could always improve on any version of rule-utilitarianism by breaking the set of rules whenever we judge that by doing so we could produce even more utility than by following the set.

**The No-Rest Objection**

According to utilitarianism, one should always do that act that promises to promote the most utility. But there is usually an infinite set of possible acts to choose from, and even if I can be excused from considering all of them, I can be fairly sure that there is often a preferable act that I could be doing. For example, when I am about to go to the cinema with a friend, I should ask myself if helping the homeless in my community wouldn't promote more utility. When I am about to go to sleep, I should ask myself whether I could at that moment be doing something to help save the ozone layer. And, why not simply give all my assets (beyond what is absolutely necessary to keep me alive) to the poor to promote utility? Following utilitarianism, I should get little or no rest, and, certainly, I have no right to enjoy life when by sacrificing I can make others happier. Peter

**The Publicity Objection**

It is usually thought that moral principles must be known to all so that all may freely obey the principles. But utilitarians usually hesitate to recommend that everyone act as a utilitarian, especially an act-utilitarian, because it takes a great deal of deliberation to work out the likely consequences of alternative courses of action. It would be better if most people acted simply as deontologists. Thus, utilitarianism seems to contradict our requirement of publicity.

**The Relativism Objection**

Sometimes people accuse rule-utilitarianism of being relativistic because it seems to endorse different rules in different societies. In one society, it may uphold polygamy, whereas in our society it defends monogamy. In a desert society, it upholds a rule "Don't waste water," whereas in a community where water is plentiful no such rule exists. But this is not really conventional relativism because the rule is not made valid by the community's choosing it but by the actual situation.

**Criticism of the Ends Justifying Immoral Means**

Chief among the criticisms of utilitarianism is that utilitarian ends might justify immoral means. There are many dastardly things that we can do in the name of maximizing general happiness: deceit, torture, slavery, even killing off ethnic minorities. As long as the larger populace benefits, these actions might be justified. The general problem can be laid out in this argument:

(1) If a moral theory justifies actions that we universally deem impermissible, then that moral theory must be rejected.
(2) Utilitarianism justifies actions that we universally deem impermissible.
(3) Therefore, utilitarianism must be rejected.

**The Lying Objection**

William D. Ross has argued that utilitarianism is to be rejected because it leads to the counterintuitive endorsement of lying when it serves the greater good. Consider two acts, A and B, that will both result in 100 hedons (units of pleasure of utility). The only difference is that A involves telling a lie and B involves telling the truth. The utilitarian must maintain that the two acts are of equal value. But this seems implausible; truth seems to be an intrinsically good thing.

What is so important about truth telling or so bad about lying? If it turned out that lying really promoted human welfare, we'd have to accept it. But that's not likely. Our happiness is tied up with a need for reliable information (that is, truth) on how to achieve our ends, so truthfulness will be a member of the rule-utility's set. But where lying will clearly promote utility without undermining the general adherence to the rule, we simply ought to lie. Don't we already accept lying to a gangster or telling white lies to spare people's feelings?

**The Justice Objection**

The utilitarian response was that we should reconsider whether truth telling and personal integrity are values that should never be compromised. The situation is intensified, though, when we consider standards of justice that most of us think should never be dispensed with. Let's look at two examples, each of which highlights a different aspect of justice.

First, imagine that a rape and murder is committed in a racially volatile community. As the sheriff of the town, you have spent a lifetime working for racial harmony. Now, just when your goal is being realized, this incident occurs. The crime is thought to be racially motivated, and a riot is about to break out that will very likely result in the death of several people and create long-lasting racial antagonism. You see that you could frame a tramp for the crime so that a trial will find him guilty and he will be executed. There is every reason to believe that a speedy trial and execution will head off the riot and save community harmony. Only you (and the real criminal, who will keep quiet about it) will know that an innocent man has been tried and executed. What is the morally right thing to do? The utilitarian seems committed to framing the tramp, but many would find this appalling.

As a second illustration, imagine that you are a utilitarian physician who has five patients under your care. One needs a heart transplant, one needs two lungs, one needs a liver, and the last two each need a kidney. Now into your office comes a healthy bachelor needing an immunization. You judge that he would make a perfect sacrifice for your five patients. Through a utility-calculus, you determine that, without a doubt, you could do the most good by injecting the healthy man with a fatal drug and then using his organs to save your five other patients.

These careless views of justice offend us. The very fact that utilitarians even consider such actions—that they would misuse the legal system or the medical system to carry out their schemes—seems frightening.

However, the utilitarian cannot exclude the possibility of sacrificing innocent people for the greater good of humanity. Wouldn't we all agree that it would be right to sacrifice one innocent person to prevent an enormous evil? Suppose, for example, a maniac is about to set off a nuclear bomb that will destroy New York City. He is scheduled to detonate the bomb in one hour. His psychiatrist knows the lunatic well and assures us that there is one way to stop him—torture his 10-year-old daughter and televise it. Suppose for the sake of the argument that there is no way to simulate the torture. Would you not consider torturing the child in this situation? As the rule-utilitarian would see it, we have two moral rules that are in conflict: the rule to prevent widespread harm and the rule against torture. To resolve this conflict, the rule-utilitarian might appeal to this second level conflict-resolving rule: We may sacrifice an innocent person to prevent a significantly greater social harm. Or, if no conflict-resolving rule is available, the rule-utilitarian can appeal to this third-level remainder rule: When no other rule applies, simply do what your best judgment deems to be the act that will maximize utility. Using this remainder rule, the rule-utilitarian could justify torturing the girl.

Thus, in such cases, it might be right to sacrifice one innocent person to save a city or prevent some wide-scale disaster. In these cases, the rule-utilitarian's approach to justice is in fact the same as the above approach to lying and compromising one's integrity: Justice is just one more lower-order principle within utilitarianism. The problem, clearly, is determining which kinds of wide-scale disasters warrant sacrificing innocent lives. This question invariably comes up in wartime: In every bombing raid, especially in the dropping of the atomic bomb on Hiroshima and Nagasaki, the noncombatant–combatant distinction is overridden. Innocent civilian lives are sacrificed with the prospect of ending the war. We seem to be making this judgment call in our decision to drive automobiles and trucks even though we are fairly certain the practice will result in the death of thousands of innocent people each year. Judgment calls like these highlight utilitarianism's difficulty in handling issues of justice

***Three-Step Action Formula:***

Utilitarianism might be construed as offering a three-step action formula for action:

1. On the basis of what I know, I must project the consequences of each alternative option open to me (e.g., taking different kinds of actions or taking no action).
2. Calculate how much happiness, or balance of happiness over unhappiness, is likely to be produced by anticipated consequences of each action or none.
3. Select that action which, on balance, will produce the greatest amount of happiness for the greatest number of people affected

Generally, utilitarianism is a moral theory which takes into account how the consequences of an act will affect all the parties involved. Moral rightness depends on the consequences for all affected people or sentient beings. The fundamental principle of utilitarianism is the principle of utility:

***The principle of utility***

- ✓ The morally right action is the one that produces the best overall consequences with regard to the utility or welfare of all the affected parties.
- ✓ Jeremy Bentham's slogan: The right act or policy is the one that causes 'the greatest happiness of the greatest number' – that is, maximize the total utility or welfare of the majority of all the affected parties.

**Question for Students:**

'The end justifies the means'. Some commentators think that this policy allows morally reprehensible acts to be committed with the aim of achieving good ends.

**A.** On the basis of your experience, do you think that this habit of carrying out unjust or dishonest acts as means to achieve good ends is so unusual?

**B.** What about a doctor's evasion to avoid breaking bad news to a very depressed patient? What about prescribing antibiotics for flu symptoms at the request of a patient?

**C.** What does the fairly common occurrence of such events tell us? That utilitarianism is well-suited to human behavior?

### 2.3.3.5. Altruism

In altruism an action is right if the consequences of that action are favorable to all except the actor. Butler argued that we have an inherent psychological capacity to show benevolence to others. This view is called *psychological altruism* and maintains that at least some of our actions are motivated by instinctive benevolence.

Psychological altruism holds that all human action is necessarily other centered and other motivated. A parallel analysis of psychological altruism results in opposing conclusions to psychological egoism, and again arguably the theory is just as closed as psychological egoism. If both theories can be validly maintained, it follows that the soundness of either or both must be questioned. Suppose, for example, that Degu, who is not good at swimming, saves a child from drawing in Lake Tana. What ultimately motivated him to do this? It would be odd to suggest that it's ultimately his own benefit that Degu is seeking. After all, he is risking his own life in the process.

Altruists are people who act so as to increase other people's pleasure. They will act for the sake of someone else even if it decreases their own pleasure and causes themselves pain.

***Activity:***

Write a case study based on an individual or group you admire for its altruistic motivation. Provide background and outline the lessons we can learn from this person or persons.

We can differentiate egoistic and altruistic desires in the following way: One's desire is *egoistic* if (and only if) it concerns (what one perceives to be) the benefit of oneself and not anyone else. In the contrary, one's desire is *altruistic* if (and only if) it concerns (what one perceives to be) the benefit of at least someone other than oneself. Altruists reject the theory of psychological egoism and argue instead that humans are instinctively benevolent. And instinctive benevolence, they argue, is the feature of our human nature which is the basis of our altruistic moral obligations

## 2.3.4. Deontological Ethics (Non- Consequentialist)

**Deontology: What duty asks of us?**

What makes a 'right' act right? The utilitarian or consequentialist answer to this question is that it is the good outcome of an act which makes it right. Moral rightness or wrongness is calculated by determining the extent to which the action promotes values such as pleasure, well-being, happiness, etc. To this extent, the end justifies the means. In many respects, deontological moral theory is diametrically the opposite of utilitarianism.

It is referred as "the means justifies the end". It is coined as "**deontics**". This is a theory that the rightness or wrongness of moral action is determined, at least partly with reference to formal rules of conduct rather than consequences or result of an action. It is an emphasis on the intentions, motives, moral principles or performance of duty rather than results, as the sign of right action/morality and immorality. It is a duty based and according to this theory, the consequences or results of our action have nothing to do with their rightness or wrongness.

**Performance of One's own Duty**

The 17th century German philosopher Samuel Pufendorf, who classified dozens of duties under three headings: duties to God, duties to oneself and duties to others!

**Concerning our duties towards God**, he argued that there are two kinds: (1) a theoretical duty to know the existence and nature of God, and (2) a practical duty to both inwardly and outwardly worship God.

***Concerning our duties towards oneself***; these are also of two sorts: (1) duties of the soul, which involve developing one's skills and talents, and (2) duties of the body, which involve not harming our bodies, as we might through gluttony or drunkenness, and not killing oneself.

***Concerning our duties towards others***; Pufendorf divides these between absolute duties, which are universally binding on people, and conditional duties, which are the result of contracts between people.

***Absolute duties are of three sorts***: (1) avoid wronging others; (2) treat people as equals, and (3) promote the good of others.

***Conditional duties*** involve various types of agreements, the principal one of which is the duty is to keep one's promises.

### 2.3.4.1. The Divine Command Theory

According to one view, called the divine command theory (DCT), ethical principles are simply the commands of God. They derive their validity from God's commanding them, and they mean "commanded by God." Without God, there would be no universally valid morality. We can analyze the DCT into three separate theses:

1. Morality (that is, rightness and wrongness) originates with God.

2. Moral rightness simply means "willed by God," and moral wrongness means "being against the will of God."
3. Because morality essentially is based on divine will, not on independently existing reasons for action, no further reasons for action are necessary.

There are modified versions of the DCT that drop or qualify one or more of these three theses, but the strongest form includes all three assertions. We can characterize that position thusly: Necessarily, for any person S and for all acts A, if A is forbidden (required) of S, then God commands that not-A (A) for S. Likewise, if A is permitted for S, then God has commanded neither A nor not-A for S. Bringing out the implications of this, we may list four propositions:

1. Act A is wrong if and only if it is contrary to the command of God.
2. Act A is right (required) if and only if it is commanded by God.
3. Act A is morally permissible if and only if it is permitted by the command of God.
4. If there is no God, then nothing is ethically wrong, required, or permitted.

We can summarize the DCT this way: Morality not only originates with God, but moral rightness simply means "willed by God" and moral wrongness means "being against the will of God". That is, an act is right in virtue of being permitted by the will of God, and an act is wrong in virtue of being against the will of God. Because morality essentially is based on divine will, not on independently existing reasons for action, no further reasons for action are necessary. So we may ask, "If God doesn't exist, everything is permissible?" If so, nothing is forbidden or required. Without God, we have moral nihilism. If there is no God, then nothing is ethically wrong, required, or permitted.

**Problems with the Divine Command Theory**

There are two problems with the DCT that need to be faced by those who hold it.

1. DCT would seem to make the attribution of "goodness" to God redundant. When we say "God is good," we think we are ascribing a property to God; but if good simply means "what God commands or wills," then we are not attributing any property to God. Our statement "God is good" merely means "God does whatever he wills to do" or "God practices what he preaches,"

and the statement "God commands us to do what is good" merely is the logically empty statement "God commands us to do what God commands us to do."

2. DCT is that it seems to make morality into some-thing arbitrary. If God's decree is the sole arbiter of right and wrong, it would seem to be logically possible for such heinous acts as rape, killing of the innocent for the fun of it, and gratuitous cruelty to become morally good actions—if God suddenly decided to command us to do these things

### 2.3.4.2. Rights Theory

A second duty-based approach to ethics is ***rights theory***. Most generally, a "right" is a justified claim against another person's behavior - such as my right to not be harmed by you. Rights and duties are related in such a way that the rights of one person imply the duties of another person. For example, if I have a right to payment of $10 by Smith, then Smith has a duty to pay me $10. This is called the correlativity of rights and duties. The most influential early account of rights theory is that of 17th century British philosopher John Locke, who argued that the laws of nature mandate that we should not harm anyone's life, health, liberty or possessions**.** For Locke, these are our natural rights, given to us by God. Following Locke, the United States Declaration of Independence authored by Thomas Jefferson recognizes three foundational rights: life, liberty, and the pursuit of happiness. Jefferson and others rights theorists maintained that we deduce other more specific rights from these, including the rights of property, movement, speech, and religious expression.

There are four features traditionally associated with moral rights.

- ✓ First, rights are *natural* insofar as they are not invented or created by governments.
- ✓ Second, they are *universal* insofar as they do not change from country to country.
- ✓ Third, they are *equal* in the sense that rights are the same for all people, irrespective of gender, race, or handicap.
- ✓ Fourth, they are *inalienable* which means that I cannot hand over my rights to another person, such as by selling myself into slavery.

### 2.3.4.3. Kant's Categorical Imperative

The name of the German philosopher, Immanuel Kant (1724-1804) is identified with the moral theory known as deontology. Kant was adamantly opposed to the idea that the outcome of an action

could determine its moral worth. For deontologists, it is not consequences which determine the rightness or wrongness of an act, but, rather, the intention of the person who carries out the act. The emphasis is on the correctness of the action, regardless of the possible benefits or harm it might produce. Deontologists maintain that there are some moral obligations which are absolutely binding, no matter what consequences are produced.

**The Categorical Imperative**

A Kant's duty-based theory is emphasizes a single principle of duty. Kant agreed that we have moral duties to oneself and others, such as developing one's talents, and keeping our promises to others. However, Kant argued that there is a more foundational principle of duty that encompasses our particular duties. It is a single, self-evident principle of reason that he calls the "categorical imperative."

- A ***categorical imperative*****,** he argued, is fundamentally different from *hypothetical imperatives* that hinge on some personal desire that we have. For example, "If you want to get a good job, then you ought to go to college." By contrast, a categorical imperative simply mandates an action, irrespective of one's personal desires, such as "You ought to do X."

To understand Kant's thought, note the emphasis he places on the idea of ***good intension***. Kant believed that *nothing was good in itself except a* "***good will***." Intelligence, judgment and all other facets of the human personality are perhaps good and desirable, but only if the will that makes use of them is good. By will, Kant means *the uniquely human capacity to act according to the concepts behind laws*, that is, principles presumably operating in nature. A good will, therefore, acts in accordance with nature's laws. For Kant a will could be good without qualification only if it always had in view one principle: *whether the maxim of its action could become a universal law*.

This standard is such a crucial part of Kant's theory of ethics. Kant believed, then, that there was just one command or imperative that was categorical, that is, one that presented an action as necessary of itself, without regard to any other end. He believed that from this one categorical imperative, this universal command, all commands of duty could be derived. Kant's categorical imperative states that *we should act in such a way that the maxim or general rule governing our action could be a universal law.*

Consider his example of making a promise that you are willing to break if it suits your purposes. Your maxim can be expressed thus: this maxim could not be universally acted up on, because it involves a contradiction of wills. On the same hand, you are willing to make promises and honor them; on the other hand, you are willing to beak those promises. Notice that Kant is not a utilitarian: he is not arguing that the consequences of a universal law condoning promise breaking would be bad and the rule is bad. Instead he is claiming that ***the rule is self-contradictory***; the institution of promise making would dissolve if such a maxim were universalized. His appeal is to ***logical consistency***, not to consequences.

Kant gives at least ***three versions or formulations*** of the categorical imperative. His categorical imperative is a deontological ethical theory, which means ***it is based on the idea that there are certain objective ethical rules in the world.*** Kant's version is possibly the most well-known, and relies heavily on his idea that ***all people are fundamentally capable of reasoning in the same manner and on the same level.*** Kantianism focuses more on intent and action in itself, as opposed to the consequentialist focus of utilitarianism.

- **Hypothetical imperatives** tell us which *means* best achieve our ends. They do not, however, tell us which ends we should choose. The typical dichotomy in choosing ends is between ends that are "right" (e.g., helping someone) and those that are "good" (e.g., enriching oneself). Kant considered the "right" superior to the "good"; to him, the "good" was morally irrelevant. In Kant's view, a person cannot decide whether conduct is "right," or moral, through empirical means. Such judgments must be reached *a priori*, using pure practical reason.

Reason, separate from all empirical experience, can determine the principle according to which all ends can be determined as moral. It is this fundamental principle of moral reason that is known as the categorical imperative. ***Pure practical reason*** in the process of determining it dictates what ought to be done without reference to empirical contingent factors. Moral questions are determined independent of reference to the particular subject posing them. It is because morality is determined by pure practical reason rather than particular empirical or sensuous factors that morality is universally valid. This ***moral universalism*** has come to be seen as the distinctive aspect of Kant's moral philosophy and has had wide social impact in the legal and political concepts of *human rights* and *equality*.

*Kant's theory is hinged by his beliefs on* ***autonomy*** *and his formulation of categorical imperatives.* He believed that, unless a person freely and willingly makes a choice, their action has no meaning (and certainly no moral value). ***Autonomy*** allows us to be self-creating when it comes to our values and morality. Autonomy is one's own beliefs, independence, and government: acting without regard for anyone else. Conversely, ***heteronomy*** is acting under the influence of someone else and allows for an individual to consistently place blame outside of self.

Kant believed that each individual is rational and capable of making free choices; thereby relies on autonomous thinking. Kant thought that every man, if using reason when looking at moral dilemmas, would agree with what he called the Categorical Imperative (the CI). So, while the law is objective, Kant thought that all people could come to understand and agree with it after autonomous reflection. So how, exactly, does the CI tell us how to act? How does it work? The decision-making procedure of the theory is actually quite straight forward, and one that many people should be able to grasp intuitively (which is exactly what Kant wanted to achieve).

Kant thought that when a moral action is being considered, one should ask the following questions; what would happen if everyone in the world did this, all the time? And would that be the kind of world I'd like to live in? We can look at the text-book example to illustrate this; murder. So we want to know whether murder is an ethically justifiable action. Well, what would happen if everyone in the entire world started killing people? Absolute chaos would ensue. It's not the sort of world many people would like to live in. Therefore, according to the categorical imperative, murder is wrong. A core aspect of this theory is the concept of ***intent***. To Kant, it was the intent that mattered to him.

Let's look at an example. Imagine you're a murderer walking down the street, and you see a defenseless young man in front of you. It's dark, and there's no one else around. You have a knife in your pocket. It would be easy for you to kill him. So, you consider. Maybe, in the end, you choose to let the man live –not because you were worried about acting immorally, but because you didn't want to take the risk of him screaming and drawing the attention of the police (or something to that effect). In the end, you *do not kill.*

According to Kant, you haven't acted ethically. Your action does not make you a better person. This is because when you acted (or, rather, chose not to act), you weren't considering the action in terms of its morality. You didn't make a *moral choice – you merely acted out of self-preservation*. However, if you

were to choose not to kill the man because you suddenly realized that it was wrong to kill and didn't want to act unethically, then you would have acted morally, and would be a better person for it.

Kant concludes that a moral proposition that is true must be one that is not tied to any particular conditions, including the identity of the person making the moral deliberation. A moral maxim must imply *absolute necessity*, which is to say that it must be disconnected from the particular physical details surrounding the proposition, and could be applied to any rational being. This leads to the first formulation of the categorical imperative:

**A. The Principle of Universality**

The **first maxim** states that we should choose our 'codes of conduct' only if they serve perfect / imperfect duty and are good for all. "*Act only according to that maxim whereby you can at the same time will that it should become a universal law without contradiction.*" Kant divides the duties imposed by this formulation into two subsets: perfect and imperfect duty. ***Perfect duties*** are blameworthy if not met and are the basic requirements for a human being. According to his reasoning, we first have a ***perfect duty*** not to act by maxims that result in logical contradictions when we attempt to universalize them.

The moral proposition *A*: "It is permissible to steal" would result in a contradiction upon universalisation. The notion of stealing presupposes the existence of property, but were *A* universalized, then there could be no property, and so the proposition has logically negated itself. An example of perfect duty is the avoidance of suicide. Suicide is the end of life and Kant believed that "self-love impels the improvement of life;" if a person commits suicide, improvement of life ceases.

***Imperfect duties*** are those that do not achieve blame, rather they receive praise if completed; they are circumstantial duties such as cultivating talent. They are still based on pure reason, but which allow for desires in how they are carried out in practice. Because these depend somewhat on the subjective preferences of humankind, this duty is not as strong as a perfect duty, but it is still morally binding. As such, unlike perfect duties, you do not attract blame should you not complete an imperfect duty but you shall receive praise for it should you complete it, as you have gone beyond the basic duties and taken duty upon yourself. Imperfect duties are circumstantial, meaning simply that you could not reasonably exist in a constant state of performing that duty. This is what truly

differentiates between perfect and imperfect duties, because imperfect duties are those duties that are never truly completed. Examples of imperfect duties are perfecting the ability to write and produce works.

**B. The Principle of Humanity as an End, Never as Merely a Means**

The **second maxim** states that we should not use humanity of ourselves or others as a means to an end. **"**Act in such a way that you treat humanity, whether in your own person or in the person of any other, never merely as a means to an end, but always at the same time as an end." Every rational action must set before itself not only a principle, but also an end. Most ends are of a subjective kind, because they need only be pursued if they are in line with some particular hypothetical imperative that a person may choose to adopt. For an end to be objective, it would be necessary that we categorically pursue it. This principle has received more widespread approval than any other part of Kant's moral philosophy. People, as rational beings, are ends in themselves and should never be used merely as means to other ends. We may use physical things as means, but when we use people simply as means, as in slavery, prostitution, or commercial exploitation, we degrade them and violate their innermost beings as people.

The categorical imperative also regulates the morality of actions that affect us individually. For example, **Suicide** would be wrong since I would be treating my life as a means to the alleviation of my misery. The free will is the source of all rational action. But to treat it as a subjective end is to deny the possibility of freedom in general. Because the autonomous will is the one and only source of moral action, it would contradict the first formulation to claim that a person is merely a means to some other end, rather than always an end in themselves. On this basis, Kant derives second formulation of the categorical imperative from the first. By combining this formulation with the first, we learn that a person has ***perfect duty*** not to use the humanity of themselves or others merely as a means to some other end. An example of the second maxim would be that of slavery. Although it can be realized that a slave owner has the right to own property, they do not have the right to own a person. The right to not own a person stems from the ideals of autonomy and free will. A person who is owned does not have free will and therefore is not autonomous and cannot be held to duty; the concept of slavery contradicts the first maxim and *Kant's theory does not allow for contradictions of the maxims.*

We should always treat people with dignity, and never use them as mere instruments. For Kant, we treat people as an end whenever our actions toward someone reflect the inherent value of that person. Donating to charity, for example, is morally correct since this acknowledges the inherent value of the recipient. By contrast, we treat someone as a means to an end whenever we treat that person as a tool to achieve something else. It is wrong, for example, to steal my neighbor's car since I would be treating her as a means to my own happiness.

**C. The Principle of Autonomy**

The ***third maxim*** states that we should consider ourselves to be members in the universal realm of ends. Therefore, ***every rational being must so act as if he were through his maxim always a legislating member in the universal kingdom of ends***.

Because a truly autonomous will would not be subjugated to any interest, it would only be subject to those laws it makes for itself - but it must also regard those laws as if they would be bound to others, or they would not be universalizable, and hence they would not be laws of conduct at all. Thus Kant presents the notion of the hypothetical *Kingdom of Ends* of which he suggests all people should consider themselves both means and ends. We should consider our actions to be of consequence to everyone else in that our actions affect not only ourselves but that of others. Everything we do should not only be of benefit to ourselves, but benefit each other universally.

"Act in such a way that you treat humanity, whether in your own person or in that of another, always at the same time as an end and never merely as a means." We ought to act only by maxims that would harmonize with a possible kingdom of ends. We have perfect duty not to act by maxims that create incoherent or impossible states of natural affairs when we attempt to universalize them, and we have imperfect duty not to act by maxims that lead to unstable or greatly undesirable states of affairs.

The main problem with the categorical imperative is its rigidity. The famous example that illustrates this is that of a crazed axe-murderer coming to your front door and asking you where your children are. You could lie – many would say you should lie – but imagine if everyone in the entire world lied all the time. That would not be a nice place to live in, so the categorical imperative says you can't lie. You have to tell the axe-murderer the truth, so he can go and kill your children. Kant was asked

about this personally, and he said that this was indeed the case. It would be immoral to lie to the man. He did, however, say that you could also choose to lock your door and call the police. Here's another example – you're in a room with a man who's holding a gun to your mother's head. You know he'll shoot her any second. Right next to you, there's a button. If you press the button, the man will fall through a trap door and land in a spike pit, dying instantly. Your mother will be saved.

According to the categorical imperative, this would be the wrong thing to do. You can't press the button. But if you don't, your mother will die. It's in situations like this that strict ethical systems with specific decision procedures tend to fall apart. Morality is simply too complex, too full of exceptions for these theories to ever fully work.

***Activity:***

Review Kant's rule of universality;

A. Can you give examples where you think this rule should not or could not be observed?

B. Do you agree with Kant that the consequences of our actions are not fully in our control and so should not count in the moral appraisal of our actions?

### 2.3.4.4. Ross's Prima Facie Duties or Moral Guidelines

A ***fourth*** and more recent duty-based theory is that by British philosopher W.D. Ross, which emphasizes *prima facie* duties. Sir William David Ross (15 April 1877 – 5 May 1971), usually cited as W. D. Ross, was a Scottish philosopher, known for work in ethics. The term *prima facie* means "at a first sight" or "on the surface." By prima facie duties, Ross means duties that dictate what we should do when other moral factors are not considered. Stated another way, prima facie duties are duties that generally obligate us; that is, they ordinarily impose a moral obligation but may not in a particular case because of circumstances. An **actual duty** is the action that one ought to perform after considering and weighing all the prima facie duties involved.

According to W. D. Ross (1877-1971), there are several *prima facie duties* that we can use to determine ***what, concretely, we ought to do***. A prima facie duty is a duty that is binding (obligatory) other things equal, that is, unless it is overridden or trumped by another duty or duties. Another way of putting it is that where there is a prima facie duty to do something, there is at least a fairly strong presumption in favor of doing it. An example of a prima facie duty is the duty to keep promises.

***Unless stronger moral considerations override, one ought to keep a promise made***. By contrast with prima facie duties, our ***actual or concrete duty*** is the duty we should perform in the particular situation of choice. Whatever one's actual duty is, one is morally bound to perform it. Prima facie duties relate to actual duties as reasons do to conclusions of reasoning.

The term "duty" in "prima facie duty" is slightly misleading. The prima facie duties are understood as ***guidelines***, not rules without exception. If an action does not correspond to a specific guideline, one is not necessarily violating a rule that one ought to follow. However, not following the rule one ought to follow in a particular case is failing to do one's (actual) duty. In such cases it makes sense to talk about violating a rule. The rule might be the same in words as a prima facie duty (minus the phrase "unless other moral considerations override"), but it would no longer be merely a guideline because it describes what one concretely should do.

Like his 17th and 18th century counterparts, Ross argues that our duties are "part of the fundamental nature of the universe." However, Ross's list the following categories of prima facie duties is much shorter, which he believes reflects our actual moral convictions:

- ***Duties of Fidelity***: the duty to keep promises and the obligation not to lie. Duties of fidelity are duties to keep one's promises and contracts and not to engage in deception.
- ***Duties of Reparation***: This is a duty to make up for the injuries one has done to others. Ross describes this duty as "resting on a previous wrongful act". It is the duty to compensate others when we harm them. If, for example, I damage something that belongs to someone else, I have an obligation to make restitution.
- ***Duties of Gratitude***: the duty to thank those who help us. Suppose, for example, an especially good friend is suddenly in need of assistance, I am duty bound to do all I can help this individual, who in the past had acted so selflessly toward me.
- ***Duties of Justice***: The duty of justice requires that one act in such a way that one distributes benefits and burdens fairly. Ross himself emphasizes the negative aspect of this duty: he says that this type of duty "rests on the fact or possibility of a distribution of pleasure or happiness (or the means thereto) that is not in accord with the merit of the persons concerned; in such cases there arises a duty to upset or prevent such a distribution". Thus

the duty of justice includes the duty, insofar as possible, to prevent an unjust distribution of benefits or burdens.

- ***Duties of Beneficence***: the duty to improve the conditions of others. The duty to do good to others: to foster their health, security, wisdom, moral goodness, or happiness. This duty, says Ross, "rests upon the fact that there are other beings in the world whose condition we can make better in respect of virtue, or of intelligence, or of pleasure."
- ***Duties of Self-improvement***: The duty of self-improvement is to act so as to promote one's own good, i.e., one's own health, security, wisdom, moral goodness, virtue, intelligence and happiness.
- ***Duties of Non-maleficence***: The duty of non-injury (also known as non-maleficence) is the duty not to harm others physically or psychologically: to avoid harming their health, security, intelligence, character, or happiness. We are obliged to avoid hurting others physically, emotionally and psychologically.

Jacques Thiroux (2001) claims that Ross' duty of non-injury includes a duty to prevent injury to others. This seems to be wrong regarding Ross, but it might be reasonable to add such a prima facie duty to the list. Non-injury in Ross' strict sense is distinct from the prevention of harm to others. Non-injury instructs us generally to avoid intentionally, negligently, or ignorantly (when ignorance is avoidable) harming others. Harm-prevention instructs us generally to make a real effort to prevent harm to others from causes other than ourselves.

In summary, Ross presents seven categories of prima facie duties, although there may be more categories. However, he does insist that we acknowledge and willingly accept the seven categories without argument. His appeal for their acceptance does not rely primarily on reason and argument but on *intuition*. When faced with a situation that presents conflicting prima facie duties, Ross tells us, the more obligatory, our actual duty. The actual duty has the greatest amount of prima facie rightness over wrongness.

**Activity:**

Join with classmates and imagine that you are the prime minister of Ethiopia. What principles would

you use to govern Ethiopian society and the country?

## 2.3.5. Virtue Ethics

**Virtue Ethics: Challenging the adequacy of rule-based theories**

"Virtue ethics" is a technical term in contemporary Western analytical moral philosophy, used to distinguish a normative ethical theory focused on the virtues, or moral character, from others such as deontology (or contractarianism) and consequentialism. Imagine a case in which it is agreed by every sort of theorist that I should, say, help someone in need. A deontologist will emphasize the fact that in offering help, I will be acting in accordance with a moral rule or principle such as "Do unto others as you would be done by"; a consequentialist will point out that the consequences of helping will maximize well-being; and a virtue ethicist will emphasize the fact that providing help would be charitable or benevolent – charity and benevolence being virtues.

### 2.3.5.1. Aristotle's Ethics

The ancient Greek philosopher, Aristotle, (384-322 B.C.) first wrote a detailed discussion of virtue morality in the Nichomachean Ethics. 'Virtus' he understood as strength. Correspondingly, specific virtues are seen as strengths of character. But, many years after Aristotle's death, virtue theory came to be over-shadowed by the development of utilitarianism and deontology.

In the past fifty years, however, virtue theory has resurfaced as a major moral theory. But why is that so? Virtue ethics has been restated and reinvigorated in the years since 1958 by philosophers such as Philippa Foot, Alasdair MacIntyre and Elizabeth Anscombe. They and many others became disillusioned with the promises of mainstream theories. They argue that how we ought to live could be much more adequately answered by a virtue-based theory than in terms of calculating consequences or obeying rules.

**Key questions which virtue ethical systems ask include:**

- ✓ What sort of person do I want to be?
- ✓ What virtues are characteristic of the person I want to be?
- ✓ What actions will cultivate the virtues I want to possess?

- ✓ What actions will be characteristic of the sort of person I want to be?

With respect to the good, right, happiness, the good is not a disposition. The good involves a teleological system that involves actions.

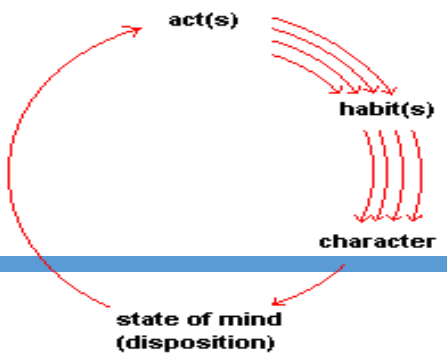
A. Good is that which all things aim. Something is good if it performs its proper function. *E.g.*, a good coffee cup or a good red oak.
   - A right action is that which is conducive to the good, and different goods correspond to the differing sciences and arts.
   - "The god" or best good is that which is desired for its own sake and for the sake which we desire all other ends or goods. For human beings, ***eudaemonia*** is activity of the soul in accordance with *arete* (excellence, virtue, or what it's good for). *Eudaemonia* is living well and doing well in the affairs of the world.

B. The good of human beings cannot be answered with the exactitude of a mathematical problem since mathematics starts with general principles and argues to conclusions.
   - Ethics starts with actual moral judgments before the formulation of general principles.
   - Aristotle presupposes natural tendencies in people.

C. Aristotle distinguishes between happiness (*eudaemonia*) and moral virtue:
   - Moral virtue is not the end of life for it can go with inactivity, misery, and unhappiness
   - Happiness, the end of life, that to which all aims, is activity in accordance with reason (reason is the *arete* or peculiar excellence of persons).
     a. Happiness is an activity involving both moral and intellectual *arete*.
     b. Some external goods are necessary in order to exercise that activity.

**The Good Character**

A. People have a natural capacity for good character, and it is developed through practice. The capacity does not come first--it's developed through practice.



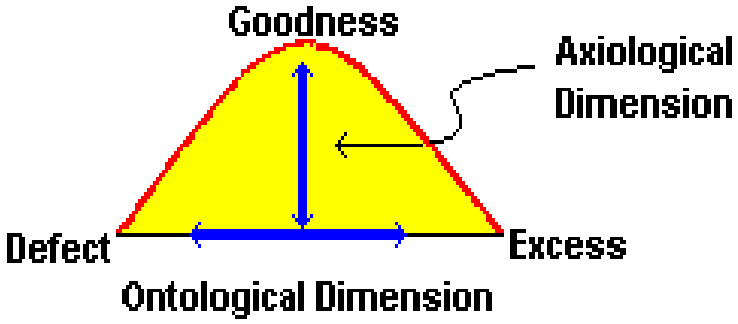
- The sequence of human behavior raises the question of which is preeminent--acts or dispositions. Their interaction is broken by Aristotle's distinction between acts which create good dispositions and acts which flow from the good disposition once it has been created.
- *Arete* is a disposition developed out of a capacity by the proper exercise of that capacity.
- Habits are developed through acting; a person's character is the structure of habits and is formed by what we do.

B. Virtue, *arete*, or excellence is defined as a mean between two extremes of excess and defect in regard to a feeling or action as the practically wise person would determine it. The mean cannot be calculated *a priori*.
   - The mean is relative to the individual and circumstances. For example, consider the following traits:

| **Aristotelian Virtues And Vices Sphere Of Action** | **Vice Of Deficiency** | **Mean Or Virtue** | **Vice Of Excess** |
|---|---|---|---|
| Fear | cowardice | courage | foolhardiness |
| Pleasure and Pain | insensibility | temperance | self-indulgence |
| Acquisition (minor) | tight wad | liberality | spendthrift or prodigality |
| Acquisition (major) | undue humility | pride or proper ambition | undue vanity |
| Anger | unirascibility | patience or good temper | hotheadedness |
| Self-Expression | Self-deprecating | truthfulness | boastfulness |
| Conversation | boorishness | wittiness | buffoonery |
| Social Conduct | cantankerous | friendliness | obsequiousness |
| Exhibition | shamelessness | modesty | shyness |
| Indignation | spitefulness | righteous indignation | envy |

- The level of courage necessary is different for a philosophy teacher, a commando, and a systems programmer.

- ***Phronesis*** or practical wisdom is the ability to see the right thing to do in the circumstances. Notice, especially, Aristotle's theory does not imply ethical relativism because there are appropriate standards.
- In the ontological dimension, virtue is a mean; in the axiological dimension, it is an extreme or excellence. Martin Luther King, Jr. relates his struggle to understand this difference in his "Letter from Birmingham Jail" when he wrote, "You speak of our activity in Birmingham as extreme… But though I was initially disappointed at being categorized as an extremist, as I continued to think about the matter I gradually gained a measure of satisfaction from the label. Was not Jesus an extremist for love…? Was not Amos an extremist for justice…? Was not Paul an extremist for the Christian gospel…? Perhaps the South, the nation and the world are in dire need of creative extremists."
- Some presumptively virtuous behaviors can be an extreme as when, for example, the medieval philosopher Peter Abélard explains, No long time thereafter I was smitten with a grievous illness, brought upon me by my immoderate zeal for study. (Peter Abélard, *Historia Calamitatum* trans. Ralph Adams Cram (St. Paul, MN: Thomas A. Boyd, 1922), 4.)
- In the ontological dimension, virtue is a mean; in the axiological dimension, it is an extreme or excellence. *E.g.*, Hartmann's Diagram:




- Pleasure and pain are powerful determinants of our actions.

III. **Pleasure** is the natural accompaniment of unimpeded activity. Pleasure, as such, is neither good nor bad.

A. Even so, pleasure is something positive and its effect is to perfect the exercise of activity. Everything from playing chess to making love is improved with skill.

B. Pleasure cannot be directly sought--it is the side-product of activity. It is only an element of happiness.

C. The good person, the one who has attained *eudaemonia*, is the standard as to what is truly pleasant or unpleasant.

IV. **Friendship**: a person's relationship to a friend is the same as the relation to oneself. The friend can be thought of as a second self.

A. In friendship a person loves himself (egoism) not as one seeks money for himself, but as he gives his money away to receive honor.

B. The kinds of friendship:

- Utility
- Pleasure
- The Good--endures as long as both retain their character.

V. **The Contemplative Faculty**--the exercise of perfect happiness in intellectual or philosophic activity.

A. Reason is the highest faculty of human beings. We can engage in it longer than other activities.

B. Philosophy is loved as an end-in-itself, and so *eudaemonia* implies leisure and self-sufficiency as an environment for contemplation.

***Aristotle on Pleasure***

A summary of Aristotle's ethics clarifies several important distinction between happiness and pleasure.

I. *Eudaimonia*: the state of personal wellbeing, having self-worth; exhibiting a zest for life; radiating energy; achieving happiness, "good spirit," or self-presence.

II. Hence, happiness is activity of the soul in accordance with *areté* (excellence or virtue).

A. *I.e.* Living well and doing well in the affairs of the world.

B. Picture yourself at your best. Compare Maslow's self-actualizing person or Jung's individuation of a person with Aristotle's description of *eudaimonia.*

III. Good is that to which all thing aim; *i.e.*, the good is that which performs its proper function.

A. What constitutes a good wrench or a good coffee cup? The peculiar *areté* of excellence is established by its purpose. The peculiar excellence is teleological.

B. What constitutes a good person?"

1) Activity of the soul in accordance with reason (that capacity which is unique to us as persons).

2) This activity is both **moral** (doing the right thing at the right time) and **intellectual** *areté* (practical wisdom or *phronesis*).

3) Aristotle notes that some external goods are necessary for the exercise of that activity.

IV. *Moral Virtue* is not the end of life, for it can go with inactivity, misery, and unhappiness.

V. What is good for a person cannot be answered with the exactitude of mathematics.

A. Ethics attempts to formulate general principles whose application is dependent upon the circumstances at hand (*i.e.,* initial conditions). (Note that Aristotle's theory does not imply ethical relativism)

B. The doctrine of the mean is not a doctrine of relativism but doctrine applied to specific circumstances. *E.g.*, what and how much one eats differs for a weight-lifter and a ballerina--even so, proper diet has guidelines and standards which apply differently according to different initial conditions.

VI. Pleasure, itself, is a side-product of activity; pleasure results from activity without hindrance.

1) As Aristotle expresses it, pleasure is the natural accompaniment of unimpeded activity.

2) Pleasure, as such, is neither good nor bad, but is something positive because the effect of pleasure perfects the exercise of that activity.

3) Even so, Aristotle emphasizes that pleasure is not to be sought for its own sake. (*Cf.*, the hedonistic paradox.)

***Activity:***

Summary questions;

**a.** How do you understand the idea of 'virtue'? Consider someone whom you think is 'virtuous'. How would you describe them? What kinds of behavior or attitudes of the person would you offer as moral indicators of virtue?

**b.** Does a 'good' doctor or nurse have certain characteristic 'virtues'? If you had to write a short essay on 'The Caring Professional: a Life of Virtue', what would you have to say? If you believe that virtue is not relevant as a focus in healthcare, try and explain why?

## 2.4. Non-Normative Ethics/Meta-ethics

### 2.4.1. What is Meta-ethics?

Suppose I am debating with a friend the question whether or not we ought to give to famine relief, whether or not we are morally obliged to give to famine relief. The sorts of questions philosophers raise about this kind of debate fall roughly into two groups. First, there are *first order* questions about which party in the debate, if any, is right, and why. Then, there are *second order* questions about what the parties in the debate are doing when they engage in it. Roughly, the first order questions are the province of *normative ethics,* and the second order questions are the province of *metaethics.* As one recent writer puts it:

*In metaethics, we are concerned not with questions which are the province of normative ethics like 'Should I give to famine relief?' or 'Should I return the wallet I found in the street?' but with questions about questions like these.*

**Meta-ethics tries to answer question, such as:**

- What does "good," "right," or "justice" mean?
- What makes something good or right?
- Is moral realism true?
- Is morality irreducible, cognitive, or overriding?
- Do intrinsic values exist?

It is important to be clear that in normative ethics we do not just look for an answer to the question 'Should we give to famine relief?' we also look for some insight into *why* the right answer is right. It is in their answers to this latter sort of 'why?' question that the classic theories in normative ethics disagree. Examples of such theories include:

- ***act-utilitarianism*** (one ought to give to famine relief because that particular action, of those possible, contributes most to the greater happiness of the greatest number); rule-utilitarianism (one ought to give to famine relief because giving to famine relief is prescribed by a rule the general observance of which contributes most to the greater happiness of the greatest number); and

- **Kantianism** (one ought to give to famine relief because universal refusal to give to famine relief would generate some kind of inconsistency).

Normative ethics thus seeks to discover the general principles underlying moral practice, and in this way potentially impacts upon practical moral problems: different general principles may yield different verdicts in particular cases. Meta-ethics, rather, concerned with questions about the following:

(a) ***Meaning:*** what is the *semantic function* of moral discourse? Is the function of moral discourse to state *facts,* or does it have some other non-fact-stating role?

(b) ***Metaphysics****:* do moral facts (or properties) exist? If so, what are they like? Are they identical or reducible to some other type of fact (or property) or are they irreducible and *sui generis?*

(c) ***Epistemology*** **and** ***justification****:* is there such a thing as moral knowledge? How can we know whether our moral judgements are true or false? How can we ever justify our claims to moral knowledge?

(d) ***Phenomenology****:* how are moral qualities represented in the experience of an agent making a moral judgement? Do they appear to be 'out there' in the world?

(e) ***Moral psychology****:* what can we say about the motivational state of someone making a moral judgement? What sort of connection is there between making a moral judgement and being motivated to act as that judgement prescribes?

(f) ***Objectivity:*** can moral judgements really be correct or incorrect? Can we work towards finding out the moral truth?

Obviously, this list is not intended to be exhaustive, and the various questions are not all independent (for example, a positive answer to (f) looks, on the face of it, to presuppose that the function of moral discourse is to state facts). But it is worth noting that the list is much wider than many philosophers forty or fifty years ago would have thought. For example, one such philosopher writes:

*[Metaethics] is not about what people ought to do. It is about what they are doing when they talk about what they ought to do.*

The idea that metaethics is exclusively about language was no doubt due to the more general idea that philosophy as a whole has no function other than the study of ordinary language and that 'philosophical problems' only arise from the application of words out of the contexts in which they are ordinarily used. Fortunately, this 'ordinary language' conception of philosophy has long since ceased to hold sway, and the list of metaethical concerns – in metaphysics, epistemology, phenomenology and moral psychology, as well as in semantics and the theory of meaning – bears this out. Positions in metaethics can be defined in terms of the answers they give to these sorts of question. Some examples of metaethical theories are moral realism, non-cognitivism, error-theory and moral anti-realism.

## 2.4.2. Cognitivism and Non-Cognitivism

Consider a particular moral judgement, such as the judgement that murder is wrong. What sort of psychological state does this express? Some philosophers, called cognitivists, think that a moral judgement such as this expresses a belief. Beliefs can be true or false: they are truth-apt, or apt to be assessed in terms of truth and falsity. So cognitivists think that moral judgements are capable of being true or false. On the other hand, non-cognitivists think that moral judgements express non-cognitive states such as emotions or desires. Desires and emotions are not truth-apt. So moral judgements are not capable of being true or false. (Note that, although it may be true that I have a desire for a pint of beer and false that I have a desire to see Ethiopia win the World Cup, this does not imply that desires themselves can be true or false.)

### 2.4.2.1. Strong Cognitivism: Naturalism

A *strong cognitivist* theory is one which holds that moral judgements (a) are apt for evaluation in terms of truth and falsity, and (b) can be the upshot of cognitively accessing the facts which render them true. Strong cognitivist theories can be either *naturalist* or *non-naturalist*. According to a naturalist, a moral judgement is rendered true or false by a natural state of affairs, and it is this natural state of affairs to which a true moral judgement affords us access. But what is a natural state of affairs? G. E. Moore's characterization: *"By 'nature', then, I do mean and have meant that which is the subject matter of the natural sciences and also of psychology."*

A natural property is a property which figures in one of the natural sciences or in psychology: examples might include the property of being conducive to the greatest happiness of the greatest number and the property of being conducive to the preservation of the human species. A natural state of affairs is simply a state of affairs that consists in the instantiation of a natural property.

Naturalist cognitivists hold that moral properties are identical to (or reducible to) natural properties. The Cornell realists (e.g. Nicholas Sturgeon, Richard Boyd, and David Brink) think that moral properties are irreducible natural properties in their own right. Naturalist reductionists (e.g. Richard that moral properties are reducible to the other natural properties that are the subject matter of the natural sciences and psychology. Both the Cornell realists and the naturalist reductionists are moral realists: they think that there really are moral facts and moral properties, and that the existence of these moral facts and instantiation of these moral properties is constitutively independent of human opinion.

## 2.4.2.1.1. Strong Cognitivism: Non-Naturalism

Non-naturalists think that moral properties are not identical to or reducible to natural properties. They are irreducible and *sui generis*. We will look at two types of strong cognitivist non-naturalism: Moore's ethical non-naturalism, as developed in his *Principia Ethica* (first published in 1903), according to which the property of moral goodness is non-natural, simple, and unanalysable; and the contemporary version of non-naturalism that has been developed by John McDowell and David Wiggins (roughly from the 1970s to the present day). Again, both types of non-naturalist are moral realists: they think that there really are moral facts and moral properties, and that the existence of

these moral facts and instantiation of these moral properties is constitutively independent of human opinion.

### 2.4.2.1.2. Strong Cognitivism without Moral Realism: Mackie's 'Error-Theory'

John Mackie has argued that although moral judgements are apt to be true or false, and that moral judgements, if true, would afford us cognitive access to moral facts, moral judgements are in fact always *false*. This is because there simply are no moral facts or properties in the world of the sort required to render our moral judgements true: we have no plausible epistemological account of how we could access such facts and properties, and, moreover, such properties and facts would be *metaphysically queer,* unlike anything else in the universe as we know it. A moral property would have to be such that the mere apprehension of it by a moral agent would be sufficient to motivate that agent to act. Mackie finds this idea utterly problematic. He concludes that there are no moral properties or moral facts, so that (positive, atomic) moral judgements are uniformly false: our moral thinking involves us in a radical *error*. Because Mackie denies that there are moral facts or properties, he is not a moral realist, but a *moral antirealist*.

### 2.4.2.1.3. Weak Cognitivism about Morals without Moral Realism: 'Best Opinion' Theories

A *weak cognitivist* theory is one which holds that moral judgements

(a) are apt for evaluation in terms of truth and falsity, but
(b) cannot be the upshot of cognitive access to moral properties and states of affairs.

Weak cognitivism thus agrees with strong cognitivism on (a), but disagrees on (b). An example of a weak cognitivist theory would be one which held that our best judgements about morals *determine* the extensions of moral predicates, rather than being based upon some faculty which *tracks, detects* or *cognitively accesses* facts about the instantiation of moral properties. (The extension of a predicate is the class of things, events or objects to which that predicate may correctly be applied.)

Moral judgements are thus capable of being true or false, even though they are not based on a faculty with a tracking, accessing or detecting role - in other words, even though true moral

judgements are not the upshot of cognitive access to moral states of affairs. This view thus rejects moral realism, not by denying the existence of moral facts (like the error-theory), but by denying that those facts are constitutively independent of human opinion.

### 2.4.3. Non-Cognitivism

*Non-cognitivists* deny that moral judgements are even apt to be true or false. Non-cognitivists thus disagree with both weak and strong cognitivism. We shall look at a number of arguments which the non-cognitivist uses against cognitivism. An example of such an argument is the *argument from moral psychology*.

Suppose that moral judgements can express beliefs, as the cognitivist claims. Being motivated to do something or to pursue a course of action is always a matter of having a belief and a desire. For example, I am motivated to reach for the fridge because I believe that it contains water and I have a desire for water. But it is an internal and necessary fact about an agent that, if she sincerely judges that X is good, she is motivated to pursue the course of action X. So if a moral judgement expressed a belief, it would have to be a belief which sustained an internal and necessary connection to a desire: it would have to be a necessary truth that an agent who possessed the belief would *inter alia* possess the desire. But no belief is necessarily connected to a desire because, as Hume claimed, 'beliefs and desires are distinct existences', and it is impossible to have a necessary connection between distinct existences. So it cannot be the case that moral judgements express beliefs. So moral judgements are not truth-apt. If moral judgements cannot express beliefs, ***what do they express?***

We shall look at three versions of non-cognitivism which give different answers to this question:

- ✓ J. Ayer's ***emotivism*** (1936), according to which moral judgements express emotions, or sentiments of approval or disapproval;
- ✓ Simon Blackburn's ***quasi-realism*** (1984), according to which moral judgements express our dispositions to form sentiments of approval or disapproval; and
- ✓ Allan Gibbard's ***norm-expressivism*** (1990), according to which our moral judgements express our acceptance of norms.

Perhaps the main challenge to non-cognitivism is what is called the *Frege - Geach* problem. According to emotivism, for example, judging that murder is wrong is really just like shouting 'Boo for murder!'

(when I shout 'Boo!' I am evincing my disapproval; I am not attempting to *describe* something). But what about 'If murder is wrong, then it is wrong to murder your mother-in-law'? This makes sense. But on the emotivist interpretation it doesn't (what would it sound like on an emotivist interpretation?).

### 2.4.3.1. Internalism and Externalism, Humeanism and Anti- Humeanism

One of the premises in the argument from moral psychology above is the claim that there is an internal and necessary connection between sincerely making a moral judgement and being motivated to act in the manner prescribed by that judgement. This claim is known as ***internalism***, because it says that there is an ***internal*** or ***conceptual*** connection between moral judgement and motivation.

**Activity:**

Make note of some of the ethical behavior you witness in your family. How would you classify these behaviors? What impact do they have on your life? Write up your findings.

Some cognitivist philosophers respond to the argument from moral psychology by denying internalism. They claim that the connection between ***judgement and motivation*** is only external and contingent. Such philosophers are known as ***externalists.*** Other cognitivist philosophers respond to the argument from moral psychology by denying another premise of the argument, the claim that motivation always involves the presence of *both* beliefs and desires (this premise is known as the ***Humean theory of motivation***, since it received a classic exposition by Hume). McDowell and Wiggins advance an ***anti-Humean theory of motivation***, according to which beliefs themselves can be intrinsically motivating.

**Generally, Meta-ethics:**

- Examines the meaning of moral terms and concepts and the relationships between these concepts.
- Explores where moral values, such as 'personhood' and 'autonomy', come from.
- Considers the difference between moral values and other kinds of values.
- Examines the way in which moral claims are justified.

**Meta-ethics also poses questions of the following kind:**

- ✓ What do we mean by the claim, 'life is sacred'?

- ✓ Are moral claims a matter of personal view, religious belief or social standard, or, are they objective in some sense?
- ✓ If they are objective, what make them so?

Is there a link between human psychology and the moral claims that humans make?

## Chapter Summary

Ethics is one of the most important disciplines that need to be thought to the students to adopt ethical behavior with respect to good life. It promotes healthy society and fulfilling experience for individual. In the globalized era, we find that "Ethics will be one of the enablers of competitiveness." Stressing the centrality of ethics in the human experience can be a greater favor to humankind in general, and to our society in particular, to be growing and prosper by qualities that are essentially and absolutely ethical.

Morality Concerned about habits, customs, ways of life, especially when these are assessed as good or bad, right or wrong. Moral values help to regulate the behavior as a standard. Such values help to maintain the society and act uniformly. They bring about peace and stability. So individuals have a moral responsibility to respect and maintain the value of their society and refrain from committing things that disturb its stability and peace.

While utilitarianism, deontology, and virtue theory have been in place in the canon of moral philosophy for centuries, they have not remained fixed and static as theories. Volumes have been written which critique elements of these theories, sharpening them for greater clarity and, attuning them more to the fullness of human living. In addition, insights into moral living come in fresh forms, breathing new life into the traditional moral canon. This is the case with contemporary ethical theories such as principlism, narrative ethics and feminist ethics. In these we find new insights that attempt a number of tasks: to offer developments of, and improvements on, essential features of traditional theories, to fill in the dimensions of human living that were often omitted or understated in traditional theorizing and to acknowledge that the challenges of moral development require that we move from a realm of moral abstractions to concrete situations. This allows us to see whether or how much the resources of moral theory help to guide our decision-making and moral judgments.

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# Chapter Three: Ethical Decision Making and Moral Judgments

## 3.1. Chapter Introduction

One has to make decisions about which desire to satisfy and which to give up or postpone. How to make a right or correct decision and by what standard that one decision is right and another wrong is always a puzzle. One of the functions of morality is to give guidance in dealing with these puzzles. On the other hand, there are always conflicts among people. It is always a problem for a society to maintain order and to prevent or solve the conflicts among people reasonably. Another function of morality is to provide principles and rules that are acceptable to everyone and encourage people to live together peacefully and cooperatively. Many problems will arise in people's lives and in society. It is better to go back to the ethical theories to reflect upon the meaning and the end of morality and see what kind of principles can be a guide in taking action or in making moral judgments. One also needs to know why one should be moral. This chapter aims to introduce ethical decision making process and the need to be moral.

## 3.2. Chapter Objectives

**After reading this chapter, students will be able to:**

- Identify the moral foundations we base our ethical standards.
- Understand those standards how they applied to specific situations we face.
- Identify how good ethical decision made.
- Understand why we need to be moral.

## 3.3. How Can We Make Ethical Decisions And Actions?

In real life conditions we may get difficulties to always do the right thing. What we often considered as right and correct might put us in difficult condition with others and affect our social relation adversely. Individuals could give their own justification to testify that they are Right or correct! We often claim that we make right decision and actions. We regret when we make wrong decision and action. The ethical nature of our action and decision, however, is very much dependent upon our notion of ``Good' and ``Bad, `` Right and`` wrong``. Before we see how human beings judge the morality of their actions, let raise some puzzling questions: What things are good or bad?

There are things which we consider good or desirable for their result-for what they lead to. There are also things which we consider good not because of what they lead to but because of what they are in themselves: this are considered as worth having or perusing not merely as way of getting other things but because of their own intrinsic nature. The first kind of good is called instrumental good because the goodness of these things lies in their being instruments towards the attainment of the other things which are considered good not simply as instruments. The second category of good is called intrinsic good because we value these things (whatever they may turn out to be) not for what they lead to but for what they are.

Have you ever think of the opposite. Yes, there are things which are instrumentally bad and intrinsically bad. Some things can fulfill both qualities. In our country things such as Female Genital Mutilation, early marriage, kidnapping, abduction, Ignorance, poverty, corruption, murder some of the things which are considered to be unethical or bad or evil practices which are to be eradicated.

***Activity:***

Would you give examples of the things instrumentally and intrinsically good and bad in a society you come from?

One of the key tasks of ethical reasoning, generally, is to analyze and critically consider the values we hold and the claims we make in relation to the perceived obligations that we might have towards one another. Applied to the processes of death and dying and the care provided at end of life, key values that arise include sanctity of life (the fact of being alive is itself deeply valued), quality of life (the fact of having positive experiences and avoiding negative experiences is considered deeply morally significant), autonomy (respecting someone's preferences in relation to where, how and when they die is, increasingly, considered to be deeply morally significant and challenging).

A second key task of ethics is to evaluate the adequacy of reasons that we give for our actions: it considers, for example, whether the reasons offered to support a particular course of action are based on sound evidence and/or logical argument. Applied to the processes of death and dying, reasons that are evaluated might be the arguments a health professional offers in support of resuscitating an incompetent terminally-ill patient or a parent's reasons for refusing medical treatment for a severely disabled neonate.

The tasks of weighing ethical values and evaluating different ethical arguments are unlike many other kinds of human tasks. Ethical values are usually not as easy to understand as other kinds of values, e.g., it is probably easier to explain the (mainly) practical value of energy than it is to explain the ethical value of courage. In turn, it is easier to test a person's blood pressure than it is to determine whether or not they are virtuous.

Moreover, ethical problems are often not as clear as other kinds of problems and resolving ethical problems as definitively is not always possible. The aim of ethics then, is not, despite popular opinion, to take the high moral ground and tell people what to do, but, rather, to offer tools for thinking about difficult problems. Good ethical thinking purposefully seeks out the grey in questions and concerns in order to acknowledge the diversity and complexity of roles, situations and circumstances that arise in human life and relationships.

As complex as ethical situations may be, however, there is still an obligation on everyone involved in ethically-challenging situations to resolve any problems that arise in the most sincere, reasonable and collaborative way possible. This means that they must be prepared to review and revise their position in the light of reflection, discussion and changing circumstances.

***Activity:***

Form a group and develop a list of behaviors that are always right and behaviors that are always wrong. Keep a record of those behaviors that were nominated but rejected by the team and why. Report your final list, as well as your rejected items, to the rest of the class. What do you conclude from this exercise?

## 3.3.1. Ethical Principles and Values of Moral Judgments

The branch of philosophical study that focuses on 'ethics' is concerned with studying and/or building up a coherent set of 'rules' or principles by which people ought to live. The theoretical study of ethics is not normally something that many people would regard as being necessary in order for them to conduct their everyday activities. In place of systematically examined ethical frameworks, most people instead carry around a useful set of day-to-day 'rules of thumb' that

influence and govern their behavior; commonly, these include rules such as 'it is wrong to steal', 'it is right to help people in need', and so on.

But sometimes the vicissitudes and complexities of life mean that these simple rules are sometimes put to the test. Consider the idea that it is wrong to kill. Does this mean that capital punishment is wrong? Is it wrong to kill animals? Is killing in self-defence wrong? Is the termination of pregnancy wrong? Is euthanasia wrong? If we try to apply our everyday notions of right and wrong to these questions, straightforward answers are not always forthcoming. We need to examine these questions in more detail; and we need theoretical frameworks that can help us to analyze complex problems and to find rational, coherent solutions to those problems. Whilst some people attempt to do this work individually, for themselves, philosophers attempt to find general answers that can be used by everyone in society.

Think about a significant decision that you have made that had an effect (either for good or bad) on the lives of other people. This could be a decision about changing a job, moving home, responding to a dilemma, helping somebody who was in difficulty, etc.
How did you arrive at your decision? Was your decision based explicitly on ideas of what was right and wrong? Try to examine and record precisely the justifications for your decision. Can you identify any underlying principles or rules which you used to reach your decision?
Examples of such underlying principles or rules might include:

- 'I should do the best thing for my career in the long run.'
- 'It is OK to tell someone a lie if it prevents someone from being hurt by the truth.'
- 'I should always help someone in difficulty.'

## 3.3.2. Moral intuitions and Critical Reasoning

The study of ethics involves reasoning about our feelings. In other words, it involves making sense of and rationalising our intuitions about what is 'right' or 'good'. Almost all people, to a greater or lesser extent, are capable of experiencing feelings of empathy towards others. Empathy provides us with a sense of what others are feeling and may thereby allow us to identify with other people. Empathy therefore gives us what Traer (2013) refers to as our moral sentiments; and ethical reasoning about these sentiments gives us our moral principles. The integration of these moral

sentiments and principles, Traer (2013) argues, is our conscience. Our moral conscience, then, is based on emotions, but should also be supported by reason.

All societies are characterised by their own ethical ideas – expressed in terms of attitudes and beliefs – and their own customs (their notions of what is considered customary). Some of those ethics are formalised in the laws and regulations of a society, nation or state. Such customs and laws can influence the consciences and the moral sentiments of those living in a society, as individuals acquire ideas and attitudes from their families and from their wider society. Philosophical ethics, however, asks us to take a step back from these influences and instead to reflect critically on our sentiments and attitudes.

### 3.3.2.1. Rationalisation

Studying ethics, then, involves attempting to find valid reasons for the moral arguments that we make. Most people already have general ideas – or what philosophers call 'intuitions' or 'presumptions' – about what they think is 'right' or 'wrong'. But a philosophical approach to ethics requires people to think critically about the moral ideas that they hold, to support or refute those ideas with convincing arguments, and to be able to articulate and explain the reasons and assumptions on which those arguments are based. In moral philosophy, an argument is not simply about our beliefs or opinions; instead, it is about the reasons underlying those beliefs or opinions. This means that the real value of discussing and debating ethical questions is not to 'win the argument' or to 'score points' against the other person! It is more important to provide carefully considered arguments to support our ideas, and to allow for rational – and deeper – understanding of the reasons underlying our beliefs, ideas and attitudes. Crucially, this requires careful listening to, analysis of and learning from the arguments that others make.

One common fault with many arguments about what is 'right' or 'wrong' – and – involves what is known as a rationalisation. A rationalisation occurs when we use what at first glance seem to be rational or credible motives to cover up our true (and perhaps unconscious) motives. For example, if a landowner seeks to build a plastic recycling plant and states that this is driven by a desire to create local employment opportunities – whereas in fact their true motive is to make a profit – then this is a rationalisation. The landowner is not giving their true reasons for wanting to build the plant. If,

however, they argue that they want to make a personal profit and create local jobs, then they may be giving two true reasons for their motives.

### 3.3.2.2. Types of reasoning

We can uncover these types of errors in our own and others' arguments by using what he calls 'critical reasoning'. Three forms of critical reasoning that individuals can use to justify their arguments are outlined below;

**Three forms of critical reasoning:**

'Reasoning by analogy explains one thing by comparing it to something else that is similar, although also different. In a good analogy, the similarity outweighs the dissimilarity and is clarifying. For instance, animals are like and unlike humans, as humans are also animals. Is the similarity sufficiently strong to support the argument that we should ascribe rights to nonhuman animals as we do to humans?'

'Deductive reasoning applies a principle to a situation. For instance, if every person has human rights, and you are a person, then you have human rights like every person.'

'Inductive reasoning involves providing evidence to support a hypothesis. The greater the evidence for a hypothesis, the more we may rely on it.' The fact that there is mounting evidence that the burning of fossil fuels is having a detrimental effect on global climate, for example, is used to substantiate the argument that we have a moral duty to reduce carbon emissions.

### 3.3.2.3. Ethics and Religious Faith

There is another important argument that people use when making ethical arguments: religious faith. For many people, 'morality and religious faith go hand in hand'. Rather than relying on rational arguments, some people view actions as being right or wrong in terms of whether they are commanded by a god. Some moral philosophers do not view arguments based on religious faith as being rationally defensible. They believe that we can determine through rational reflection what is right and wrong. If a god commands only what is right then, logically, this makes divine commands unnecessary; we are able to know what is right or wrong without relying on any divine commandments, as we can use rational reflection.

However, faith-based arguments are relevant to moral philosophy for several reasons. For a start, people do not always agree on what is right or wrong. It is not therefore clear that we can determine

what is right and wrong simply through rational reflection. Additionally, given that so many people in the world do look to religion for moral guidance, we should not underestimate the ability of 'the moral teachings of a religious tradition […] to persuade the public to embrace a higher moral standard'. While we may insist that moral principles and decisions should be justified by rational arguments, and thus consideration of religious arguments should not be excluded from the study of ethics. Whether or not one personally chooses to accept faith-based arguments as valid within ethical discussions is a decision that requires careful consideration.

### 3.3.2.4. Testing moral arguments

Critical reasoning is about asking questions whenever anyone gives us a reason to support an argument. What kind of reasoning are they using? If they are using a principle to support their argument (deductive reasoning), then what kind of principle is it? Is the principle rational? If they are providing evidence to support their argument (inductive reasoning) then is the evidence reliable? Have any motives that might be behind their arguments been clarified (ie are they giving rationalisations, not reasons)? Does the conclusion drawn make sense, given the reasons they have given? All of these questions that we ask about peoples' arguments may seem a little onerous and off-putting. With such rigorous criteria, some people may feel that they don't want to make any argument at all, as they are bound to make mistakes in their reasoning! However, most people already use critical reasoning when they make arguments and question other people's arguments. We have an idea of what we think is right based on our experience (our ethical presumptions), and we explain those ideas to other people based on our feelings (intuitions) and reasons. It is important and useful to develop the ability to test your own arguments and those of others, both to address the dilemmas that occur in our personal lives, our communities and the organisations for which we work.

There are three main ways of testing a moral argument. These are outlined in below;

**Three ways to test a moral argument:**

(1) Factual accuracy. The 18th century philosopher David Hume (1711—1776) argued that we should not derive an 'ought' from an 'is'. This means that we cannot say that something is wrong or right simply based on how things are. This is reasonable, but it does not mean that ethical discussion should be divorced from fact; the accuracy of the factual content of a discussion is very important.

Consider the example — of someone who maintains that giving aid to charities working in Africa is wrong because they believes that 90% of the money donated in fact goes to paying wealthy consultants and NGO workers, and only 10% goes to alleviate poverty. If this person were shown that this was factually incorrect, and that in fact 90% of all donations were used to alleviate poverty, then their moral argument would lose its force.

(2) Consistency. Arguments need to be consistent. One can only argue that it is morally wrong to kill one person and yet morally acceptable to kill another, if one can demonstrate that there is a morally relevant difference between the two individuals. For example, the moral argument that debts owed by poorer nations to international lenders should be cancelled. Does this therefore mean that all poor people who owe money to banks should also have their debts cancelled? If you don't think that all individual debts should be cancelled but you do think that poorer countries' debts should be cancelled, then you have to show that there is a moral difference between the two. Otherwise your arguments are inconsistent.

(3) Good will. This one is the most difficult criterion to quantify. While arguments may be factually correct and consistent, they also need to 'exemplify good will'. This involves resorting to our intuitions and emotions, which are notoriously difficult to integrate with rigorous theoretical debate.

### 3.3.3. Thinking Ethically: A framework for Moral Decision Making

The first step in analyzing moral issues is obvious but not always easy: **Get the facts**. Some moral issues create controversies simply because we do not bother to check the facts. This first step, although obvious is also among the most important and the most frequently overlooked. But having the facts is not enough. Facts by themselves only tell us what is; they do not tell us what ought to be. In addition to getting the facts, resolving an ethical issue also requires an appeal to values.

Although ethics deals with right and wrong, it is not a discipline that always leads everyone to the same conclusions. Deciding an ethical issue can be equally difficult for conservatives and liberals. Of course, there are situations that are wrong by any standard. But there are other issues where right and wrong is less clear. To guide our reflection on such difficult questions, philosophers, religious teachers and other thinkers have shaped various approaches to ethical decision-making. The five different approaches to values to deal with moral issues are: Fairness and Justice, the common Good, the Utilitarian (remember this idea is discussed previously), the Rights, and the Virtues.

### 3.3.3.1. Fairness and Justice Approach

The fairness or justice approach to ethics has its roots in the teachings of the ancient Greek philosopher Aristotle who said that "equals should be treated equally and unequal's unequally". The basic moral question in this approach is:

- ✓ How fair is an action?
- ✓ Does it treat everyone in the same way, or does it show favoritism and discrimination?

Favoritism gives benefits to some people without a justifiable reason for singling them out; discrimination imposes burdens on people who are no different from those on whom the burdens are not imposed. Both favoritism and discrimination are unjust and wrong. Aristotle believed that ethical knowledge is not precise knowledge, like logic and mathematics, but general knowledge like knowledge of nutrition and exercise. Also, as it is a practical discipline rather than a theoretical one; he thought that in order to become "good", one could not simply study what virtue is; one must actually be virtuous. Analogously, in order to become good at a sport like football, one does not simply study but also practices. Aristotle first establishes what was virtuous. He began by determining that everything was done with some goal in mind and that goal is 'good.' The ultimate goal he called the Highest Good: happiness. Aristotle contended that happiness could not be found only in pleasure or only in fame and honor. He finally finds happiness "by ascertaining the specific function of man". A human's function is to do what makes it human, to be good at what sets it apart from everything else: the ability to reason or logos. A person that does this is the happiest because he is fulfilling his purpose or nature as found in the rational soul.

Depending on how well he did this, Aristotle said humans belonged to one of four categories: the virtuous, the continent, the incontinent and the vicious. Generally, this approach focuses on how fairly or unfairly our actions distribute benefits and burdens among the members of a group. This approach asks what is fair for all stakeholders, or people who have an interest in the outcome." Fairness requires consistency in the way people are treated. The principle states: "Treat people the same unless there are morally relevant differences between them."

### 3.3.3.2. The Common Good Approach

The Greek philosophers have also contributed the notion that life in community is a good in itself and our actions should contribute to that life. This approach suggests that the interlocking relationships of society are the basis of ethical reasoning and that respect and compassion for all others especially the vulnerable are requirements of such reasoning. This approach also calls attention to the common conditions that are important to the welfare of everyone. This may be a system of laws, effective police and fire departments, health care, a public educational system, or even public recreation areas.

This approach to ethics assumes a society comprising individuals whose own good is inextricably linked to the good of the community. Community members are bound by the pursuit of common values and goals. The common good is a notion that originated more than 2,000 years ago in the writings of Plato, Aristotle, and Cicero. More recently, contemporary ethicist John Rawls defined the common good as "certain general conditions that are equally to everyone's advantage." In this approach, we focus on ensuring that the social policies, social systems, institutions, and environments on which we depend are beneficial to all. Examples of goods common to all include affordable health care, effective public safety, peace among nations, a just legal system, and an unpolluted environment.

Appeals to the common good urge us to view ourselves as members of the same community, reflecting on broad questions concerning the kind of society we want to become and how we are to achieve that society. While respecting and valuing the freedom of individuals to pursue their own goals, the common good approach challenges us also to recognize and further those goals we share in common. It presents a vision of society as a community whose members are joined in a shared pursuit of values and goals they hold in common.

**The principle of the common good approach states;**

"What is ethical is what advances the common good."

### 3.3.3.3. The Rights Approach:

The other important approach to ethics has its roots in the philosophy of the 18th century thinker Immanuel Kant and others like him who focused on the individual's right to choose for her or

himself. According to these philosophers, what makes human beings different from mere things is that people have dignity based on their ability to choose freely what they will do with their lives, and they have a fundamental moral right to have these choices respected. People are not objects to be manipulated; it is a violation of human dignity to use people in ways they do not freely choose. Many different but related rights exist besides this basic one. These other rights can be thought of as different aspects of the basic right to be treated as we choose. Among these rights are:

- **The Right to the Truth**: We have a right to be told the truth and to be informed about matters that significantly affect choices.
- **The Right of Privacy**: We have the right to do, believe, and say whatever we choose in our personal lives so long as we do not violate the rights of others.
- **The Right not to be injured**: We have the right not to be harmed or injured unless we freely and knowingly do something to deserve punishment or we freely and knowingly choose to risk such injuries.
- **The Right to what is agreed**: We have the right to what has been promised those with whom we have freely entered into a contract or agreement.

In deciding whether an action is moral or immoral using this approach, we must ask, ***does the action respect the moral rights of everyone?*** Actions are wrong to the extent they violate the rights of individuals; the more serious the violation, the more wrongful the action.

**Activity:**

Reflect on one of your ethical decisions. Which approach(es) did you use when making your determination? Evaluate the effectiveness of the approach(es) as well as the quality of your choice. What did you learn from this experience?

The Rights Approach identifies certain interests tests or activities that our behavior must respect, especially those areas of our lives that are of such value to us that they merit protection from others. Each person has a fundamental right to be respected and treated as free and equal rational person capable of making his or her own decisions. This implies other rights (e.g. privacy free consent, freedom of conscience, etc.) that must be protected if a person is to have the freedom to direct his or her own life.

**Generally, in Ethical Problem Solving;**

- Once facts have been ascertained, consider five questions when trying to resolve a moral issue:
  1) What benefits and what harms will each course of action produce, and which alternative will lead to the best overall consequences?
  2) What moral rights do the affected parties have, and which course of action best respects those rights?
  3) Which course of action treats everyone the same, except where there is a morally justifiable reason not to, and does not show favoritism or discrimination?
  4) Which course of action advances the common good?
  5) Which course of action develops moral virtues?

# 3.4. To Whom or What Does Morality Apply?

In discussing the application of morality, four aspects may be considered: religious morality, morality and nature, individual morality, and social morality.

## 3.4.1. Religious Morality

Religious morality refers to a human being in relationship to a supernatural being or beings. In the Jewish and Christian traditions, for example, the first three of the Ten Commandments (See the figure below) pertain to this kind of morality. These commandments deal with a person's relationship with God, not with any other human beings. By violating any of these three commandments, a person could, according to this particular code of ethics, act immorally toward God without acting immorally toward anyone else.

**The Ten Commandments**

1. I am the Lord, Your God; do not worship false gods.
2. Do not take the name of God in vain.
3. Keep holy the Sabbath Day.
4. Honor your father and your mother.
5. Do not kill.
6. Do not commit adultery.
7. Do not steal.

8. Do not bear false witness against your neighbor.

9. Do not covet your neighbor's spouse.

10. Do not covet your neighbor's belongings.

(Exod. 20:1–17)

### 3.4.2. Morality and Nature

"Morality and nature" refers to a human being in relationship to nature. Natural morality has been prevalent in all primitive cultures, such as that of the Native American, and in cultures of the Far East. More recently, the Western tradition has also become aware of the significance of dealing with nature in a moral manner. Some see nature as being valuable only for the good of humanity, but many others have come to see it as a good in itself, worthy of moral consideration. With this viewpoint there is no question about whether a Robinson Crusoe would be capable of moral or immoral actions on a desert island by himself. In the morality and nature aspect, he could be considered either moral or immoral, depending upon his actions toward the natural things around him.

### 3.4.3. Individual Morality

Individual morality refers to individuals in relation to themselves and to an individual code of morality that may or may not be sanctioned by any society or religion. It allows for a "higher morality," which can be found within the individual rather than beyond this world in some supernatural realm. A person may or may not perform some particular act, not because society, law, or religion says he may or may not, but because he himself thinks it is right or wrong from within his own conscience.

### 3.4.4. Social Morality

Social morality concerns a human being in relation to other human beings. It is probably the most important aspect of morality, in that it cuts across all of the other aspects and is found in more ethical systems than any of the others. Returning briefly to the desert-island example, most ethicists probably would state that Robinson Crusoe is incapable of any really moral or immoral action except toward himself and nature. Such action would be minimal when compared with the potential

for morality or immorality if there were nine other people on the island whom he could subjugate, torture, or destroy. Many ethical systems would allow that what he would do to himself is strictly his business, "as long as it doesn't harm anyone else."

## 3.5. Who is Morally/Ethically Responsible?

Morality pertains to human beings and only to human beings; all else is speculation. If one wants to attribute morality to supernatural beings, one has to do so solely on **faith**. If one wants to hold animals or plants morally responsible for destructive acts against each other or against humans, then one has to ignore most of the evidence that science has given us concerning the instinctual behavior of such beings and the evidence of our own everyday observations.

Recent experimentation with the teaching of language to animals suggests that they are at least minimally capable of developing some thought processes similar to those of humans. It is even possible that they might be taught morality in the future, as humans are now. If this were to occur, then animals could be held morally responsible for their actions. At the present time, however, most evidence seems to indicate that they, as well as plants, should be classified as either non-moral or amoral - that is, they should be considered either as having no moral sense or as being out of the moral sphere altogether.

Therefore, when we use the terms *moral* and *ethical*, we are using them in reference only to human beings. We do not hold a wolf morally responsible for killing a sheep, or an eagle morally responsible for killing a chicken. We may kill the wolf or fox for having done this act, but we do not kill it because we hold the animal *morally* responsible. We do it because we don't want any more of our sheep or chickens to be killed. At this point in the world's history, only human beings can be moral or immoral, and therefore only human beings should be held morally responsible for their actions and behavior.

### 3.5.1. Moral Judgments

Moral judgments refer to *deciding what is right and what is wrong in human relations*. Individuals are continually judging their own conduct and that of their fellows. They approve of some acts and call them ―right‖ or ―good. They condemn other acts and call them ―wrong‖ or ―evil or bad. Moral judgments always have to do with the actions of human beings and, in particular, with voluntary

actions - those actions freely chosen. *Involuntary actions* - those over which people have no control - are rarely open to moral judgment, as a person usually is not held responsible for an action that she or he did not initiate. Moral judgments are **evaluative** because they place value on things or relation or human actions; determine what is right or wrong, good or bad. They are also **normative** because they evaluate or assess the moral worth of something based on some **norms or standards**.

Finding the right course of action, choosing the right alternative, is not always simple. We can have no algorithm for judgment, since every application of a rule would itself need supplementing with further rules. **Onora O'Neill** argues that moral principles do not provide us with an ―auto-pilot for life‖ and that ―judgment is always needed in using or following – and in flouting – rules or principles, as you have saw above. When conflicts of interest arise, the solution may require the greatest sensitivity, experience, discernment, intelligence and goodwill, and even then we may doubt whether we have acted rightly. However, in judging conduct or action we have to consider **motives, means,** and **consequences** and sometimes the **situation.**

**1. Motives*:*** Motives, as Jesus, Kant, and others have pointed out, are basic for a determination of morality. The motive refers to the *intention* or *why an action is done*. A good motive is a prerequisite to conduct that we approve without qualification. If a good motive is present when an act, through some unforeseen factor, leads to harmful effects, we tend to disapprove less severely and to say, ―Anyway, he meant well.‖

Kant, for example, defined the good as the ―good will.‖ ―Nothing can possibly be conceived in the world, or even out of it, which can be called good without qualification, except a good will.‖ For Kant, a rational being strives to do what he or she *ought* to do and this is to be distinguished from an act that a person does from either *inclination or self-interest*. In other words, a person must act out of **duty** to the moral law - that is, ought what one to do. The truly moral act, for Kant, not only agrees with the moral law, but is done for the sake of the moral law - not only *as* duty requires but *because* duty requires. In Kantian thinking the *seat of moral worth is the individual's will*, and the good will acts out of a sense of duty.

**2. Means*:*** Just as there may be many motives for desiring something, there may be many means for achieving it. The term *means* can be defined as an agency, instrument, or method used to attain an end. Though we expect people to use the best available means to carry out their purposes, we

condemn them if their choice of means impresses us as unjust, cruel, or immoral. On rare occasions we may approve of an act when means are used that under other conditions would be condemned. However, there is a danger in proposing that any means may be used, provided the end is good, or that ―the end justifies the means.Once chosen, the means become part of the general effect of an act.

**3. Consequences:** Consequences are the effects or results of *a moral decision* based on a value. We expect the consequences of an act that we call ―right‖ to be good. Ordinarily, when people ask, ―what is right? they are thinking about the consequences of the action. This depends on what ethical principle is in operation. Kant agrees to the good motive, utilitarians to the result.

In general, society judges conduct ―right‖ if it proceeds from a good motive, through the use of the best available means, to consequences that are good. If these conditions are not fulfilled, we condemn the action or approve it with reservations. We rarely approve an action when the results are evil or wrong.

**4. The Moral Situation*:*** A moral situation involves moral agents - human beings who act, are empowered to make *choices*, and consciously make decisions. As moral agents, demands are made on us and place us under obligations: we have both duties and rights. We are faced with moral ***alternative***s, and we can better weigh those alternatives when we have an understanding of the ingredients of the moral situation.

## 3.5.2. What Makes an Action Moral?

Sometimes we think of ―moral‖ means morally good. But, philosophically, it refers to an action which comes within the scope of morality, that is, an action which is morally significant either in positive way ( because it is good or right) or in a negative way (because the action is good or bad). Not all actions have a moral sense. Many of the actions we perform in life , such as putting on a raincoat, sharpening a pencil, or counting apples, standing on your head, are not in themselves either good or bad acts. Such actions are morally neutral or non-moral. By contrast, stealing from your libraries, punching people or helping the disadvantage are considered as morally significant actions. But, what makes an act enter the moral arena or what features of action make us judge them to be good or bad, right or wrong? The following are features that make an action moral:

**A. A moral act involves an agent**: If something is a natural event or an action performed by animals, then it is morally neutral - it does not appear on our moral radars. Humans can be moral agents, or any creatures that can freely and thoughtfully choose its actions will count as a moral agent.

**B. A moral act involves intention:** An intention here refers to our motives that are important to determine the rightness or wrongness of an action. If an action is done accidentally, it may be counted as a morally neutral action. However, some unintentional acts, such as those done through negligence, can be moral. Neglecting our duties, even accidentally, make us morally culpable.

**C. A moral act affects others:** A moral action needs not only an agent and to be deliberate but also needs to affect others (those we might call moral patients) in significant ways, that is, an action that has harmful (be it physical, psychological, emotional, or depriving others of happiness) or beneficial consequences for others.

The claim that morality only governs behavior that affects others is somewhat controversial. Some have claimed that morality also governs behavior that affects only the agent herself, such as taking recreational drugs, masturbation, and not developing one's talents. Confusion about the content of morality arises because morality is not always distinguished from religion. Regarding self-affecting behavior as governed by morality is supported by the idea that we are created by God and are obliged to obey his commands, and so may be a holdover from the time when morality was not clearly distinguished from religion. This religious holdover might also affect the claim that some sexual practices such as homosexuality are immoral; but those who distinguish morality from religion do not regard homosexuality, per se, as a moral matter.

Generally, a moral action is one which:

- ✓ Is performed by ***agents***, creatures that are capable of free choice/ free will
- ✓ Is the result of ***intention***; the action was done on purpose with a particular motive
- ✓ Has a significant consequence on others in respect of harm or benefits it brings about.

## 3.6. Why Should Human Beings Be Moral?

The question that is worth mentioning at this point is ―Why should human beings be moral?‖ Another way of putting the problem is as follows: Is there any clear foundation or basis for morality

- can any reasons be found for human beings to be good and do right acts rather than be bad and do wrong acts? Let us assume for the moment that there is no supernatural morality and see if we can find any other reasons why people should be moral.

There can be no society without moral regulation; man is man only because he lives in a society; take away from man all that has a social origin and nothing is left but an animal compare with other animals.

We should be moral because being moral is following the rules designed to overrule self-interest whenever it is in the interest of every one alike that everyone should set aside his interest. John Hospers

## A. Argument from Enlightened Self-Interest

One can certainly argue on a basis of enlightened self-interest that it is, at the very least, generally better to be good rather than bad and to create a world and society that is good rather than one that is bad. As a matter of fact, self-interest is the sole basis of one ethical theory, ethical egoism. However, it is not being suggested at this point that one ought to pursue one‘s own self-interest. Rather, an argument is being presented that if everyone tried to do and be good and tried to avoid and prevent bad, it would be in everyone‘s self-interest. For example, if within a group of people no one killed, stole, lied, or cheated, then each member of the group would benefit. An individual member of the group could say, ―it‘s in my self-interest to do good rather than bad because I stand to benefit if I do and also because I could be ostracized or punished if I don‘t.‖ Therefore, even though it is not airtight, the argument from enlightened self-interest is compelling.

## B. Argument from Tradition and Law

Related to the foregoing argument is the argument from tradition and law. This argument suggests that because traditions and laws, established over a long period of time, govern the behavior of human beings, and because these traditions and laws urge human beings to be moral rather than immoral, there are good reasons for being so. Self-interest is one reason, but another is respect for the human thought and effort that has gone into establishing such laws and traditions and transferring them from one historic period and one culture to another. This can be an attractive argument, even though it tends to suppress questioning of traditions and laws - a kind of questioning that is at the core of creative moral reasoning. It is interesting to note that most of us

probably learned morality through being confronted with this argument, the religious argument, and the experiences surrounding it. Don‘t we all remember being told we should or should not do something because it was or was not in our own self-interest, because God said it was right or wrong, or because it was the way we were supposed to act in our family, school, society, and world?

## C. Common Human Needs

Are there any other reasons we can give as to why human beings should be moral? If we examine human nature as empirically and rationally as we can, we discover that all human beings have many needs, desires, goals, and objectives in common. For example, people generally seem to need friendship, love, happiness, freedom, peace, creativity, and stability in their lives, not only for themselves but for others, too. It doesn‘t take much further examination to discover that in order to satisfy these needs, people must establish and follow moral principles that encourage them to cooperate with one another and that free them from fear that they will lose their lives, be mutilated, or be stolen from, lied to, cheated, severely restricted, or imprisoned.

Morality is not of course identical with following self-interest. If it were, there could be no conflict between morality and self-interest and no point in having rules overriding self-interest. John Hospers

Morality exists, in part, because of human needs and through recognition of the importance of living together in a cooperative and significant way. It may not be the case that all human beings can be convinced that they should be moral, or even that it will always be in each individual‘s self-interest to be moral. However, the question ―why should human beings be moral?‖ generally can best be answered by the statement that adhering to moral principles enables human beings to live their lives as peacefully, happily, creatively, and meaningfully as is possible.

**Activity:**

Apply all ethical approaches presented in the chapter. Keep a record of your deliberations and conclusions using each one? Did you reach different solutions based on the theory you used? Were some of the perspectives more useful in this situation? Are you more confident after looking at the problem from a variety of perspectives? Write up your findings.

In general, in a society wherein morality is declined, crime, death, looting, instability, social deviance, suicide, human right violation/ gross human right violation/, corruption and other socio, economic and political crises will prevail. With human self-interest as strong as it is, what can motivate us to always follow the rules of morality? Asked more simply, "Why be moral?" Among the more common answers are these:

- Behaving morally is a matter of self-respect.
- People won't like us if we behave immorally.
- Society punishes immoral behavior.
- God tells us to be moral.
- Parents need to be moral role models for their children.

These are all good answers, and each may be a powerful motivation for the right person. With religious believers, for example, having faith in God and divine judgment might prompt them to act properly. With parents, the responsibility of raising another human being might force them to adopt a higher set of moral standards than they would otherwise. However, many of these answers won't apply to every person: nonbelievers, nonparents, people who don't respect themselves, people who think that they can escape punishment.

There are two distinct components to the question "Why be moral?"

1) Why does society need moral rules?
2) Why should I be moral?

From Hobbes's perspective, morality consists of a set of rules such that, if nearly everyone follows them, then nearly everyone will flourish. These rules restrict our freedom but promote greater freedom and wellbeing. More specifically, the five social benefits of establishing and following moral rules accomplish the following:

a) Keep society from falling apart.
b) Reduce human suffering.
c) Promote human flourishing.
d) Resolve conflicts of interest in just and orderly ways.
e) Assign praise and blame, reward and punishment, and guilt.

All these benefits have in common the fact that morality is a social activity: It has to do with society, not the individual in isolation. If only one person exists on an island, no morality exists; indeed, some behavior would be better for that person than others—such as eating coconuts rather than sand—but there would not be morality in the full meaning of that term. However, as soon as a second person appears on that island, morality also appears. Morality is thus a set of rules that enable us to reach our collective goals. Imagine what society would be like if we did whatever we pleased without obeying moral rules.

("Why should I be moral?") Is more complicated as the game Cooperate or Cheat shows. Ultimately, I should be moral because, by occasionally allowing some disadvantage for myself, I may obtain an overall, long-term advantage. Even when it seems as though I can break moral rules without getting caught, I still need to consistently follow them because, although an individual moral act may sometimes be at odds with my self-interest, the complete moral form of life in which the act is rooted is not against my self-interest.

## Chapter Summary

Ethical reasoning ability is considered vitally important in the shared concepts and principles that guide common ethical issues. It offers a rationale that provides the impetus for elaborating on an ethical reasoning structure. Ethical theories and principles are the foundations of ethical analysis because they are the viewpoints from which guidance can be obtained along the pathway to a decision.

A person making an ethical decision needs a procedure to follow to insure that s/he makes her/his decision with rationality and respect--a decision procedure that can insure that s/he has considered all the relevant factors and have taken into account the interests of others as well as her/himself. Thus one has to develop a habit of pursuing justice or a disposition to be just if one wants to be a just person. What Aristotle means by saying this is that moral practice is a very important factor in being a moral person. One cannot have a moral character or become a moral person if one does not constantly practice to be moral, even though one might have correct moral ideas. This is just like a pianist who would not be a good pianist if she did not practice regularly even though she knows in her mind how to play the piano.

One often has to give up some benefits for morality and one would not do so or at least would not be willing to do so if one did not know why one should be moral or why it is good to be moral. This is like taking medicine. Nobody is willing to take medicine not knowing what is good about it. But one would if one knew that it would promote health. What Aristotle wishes to bring out is the importance of moral theory that shows the significance or the good of morality. The focus is on why one should be moral and what the moral principles that one should observe are.

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# Chapter Four: State, Government and Citizenship

## 4.1. Chapter Introduction

Dear learners, this chapter discusses the issue of the notion of state, basic features of state, the role of state and the state structure, government types and systems and citizenship. It starts by defining the terms and then proceeds to the dimensions and theories of state, government and citizenship. Though, there are many theories of on these areas, in this chapter we will focus on the major schools of thoughts and perspectives.

## 4.2. Chapter Objectives

After the successful completion of this lesson, students will be able to:

- Define the terms of state, government, citizen, nationality and citizenship.
- Understand the contending theories of state, government and citizenship.
- Discern the rights and duties of citizens' vis-à-vis to the attributes of a good citizenship.
- List and explain the differences and similarities of these state, government and citizenship theories.
- Comprehend the weaknesses and strengthens of the various state structures and government systems.
- Enumerate and understand the ways of acquiring and losing Ethiopian citizenship.

## 4.3. Understanding State

***Brainstorming:***

Define state? What do you think are the essential features of the state?

### 4.3.1. Defining State

The term 'state' has been used to refer to a bewildering range of things: a collection of institutions, a territorial unit, a philosophical idea, an instrument of coercion or oppression, and so on. This confusion stems, in part, from the fact that the state has been understood in four quite different

ways; from an idealist perspective, a functionalist perspective, an organizational perspective and an international perspective. The idealist approach to the state is most clearly reflected in the writings of Hegel. Hegel identified three moments of social existence: the family, civil society and the state. Within the family, he argued, a particular altruism operates that encourages people to set aside their own interests for the good of their children or elderly relatives. In contrast, civil society was seen as a sphere of 'universal egoism' in which individuals place their own interests before those of others. Hegel conceived of the state as an ethical community underpinned by mutual sympathy – 'universal altruism'. The drawback of idealism, however, is that it fosters an uncritical reverence for the state and, by defining the state in ethical terms, fails to distinguish clearly between institutions that are part of the state and those that are outside the state.

**Functionalist approaches** to the state focus on the role or purpose of state institutions. The central function of the state is invariably seen as the maintenance of social order (see p. 400), the state being defined as that set of institutions that uphold order and deliver social stability. Such an approach has, for example, been adopted by neo-Marxists (see p. 64), who have been inclined to see the state as a mechanism through which class conflict is ameliorated to ensure the long-term survival of the capitalist system. The weakness of the functionalist view of the state, however, is that it tends to associate any institution that maintains order (such as the family, mass media, trade unions and the church) with the state itself. This is why, unless there is a statement to the contrary, an organizational approach to the definition of the state is adopted throughout this book.

**The organizational view** defines the state as the apparatus of government in its broadest sense; that is, as that set of institutions that are recognizably 'public', in that they are responsible for the collective organization of social existence and are funded at the public's expense. The virtue of this definition is that it distinguishes clearly between the state and civil society. The state comprises the various institutions of government: the bureaucracy, the military, the police, the courts, and the social security system and so on; it can be identified with the entire 'body politic'. The organizational approach allows us to talk about 'rolling forward' or 'rolling back' the state, in the sense of expanding or contracting the responsibilities of the state, and enlarging or diminishing its institutional machinery.

**The international approach** to the state views it primarily as an actor on the world stage; indeed, as the basic 'unit' of international politics. This highlights the dualistic structure of the state; the fact that it has two faces, one looking outwards and the other looking inwards. Whereas the previous definitions are concerned with the state's inward-looking face, its relations with the individuals and groups that live within its borders, and its ability to maintain domestic order, the international view deals with the state's outward-looking face, its relations with other states and, therefore, its ability to provide protection against external attack. The classic definition of the state in international law is found in the Montevideo Convention on the Rights and Duties of the State (1933). According to Article 1 of the Montevideo Convention, the state has four features: a defined territory, permanent population, an effective government and sovereignty. Let us now discuss details of the above-mentioned attributes as follows:

**Population**: Since state is a human association, the first essential element that constitutes it is the people. How much people constitute state? No exact number can be given to such a question. The fact is that the states of the world vary in terms of demographic strength. There are states with a population of greater than 1 billion like that of China and India, and with a constituency of few thousand people like Vatican and San Marino.

Another question that comes up at this stage is whether the population of a state should be homogenous. Homogeneity is determined by any factor like commonness of religion, or blood, or language or culture and the like. It is good that population of a state is homogeneous, because it makes the task of national integration easy. But it is not must, because most of the states have a population marked by diversity in respect of race, religion, language, culture, etc. All problems of nation building are solved and people of a state, irrespective of their differences, become a nation. It signifies the situation of 'unity in diversity'. In short, it is to be noted that without population there can be no state, 'it goes without saying that an uninhabited portion of the earth, take in itself, cannot form a state.

**Defined Territory**: There can be no state without a territory of its own. The territory of a state includes land, water, and airspace; it has maritime jurisdiction extending up to a distance of three miles, though some states contend for a distance of up to 20 miles. The territorial authority of a state also extends to ships on high seas under its flag as well as its embassies and legations/diplomat's

residence in foreign lands. As seen in the case of the factor of population, so here it should be emphasized that the size of a state's territory cannot be fixed. There are as large states as China and Russia and as small states of Fiji and Mauritius in respect of their territorial make-up. It also possible that states may be in the form of islands as Indonesia, Philippines, and Japan. It is, however, certain that the boundary lines of a state must be well marked out. This can be done either by the geographical make up in the form of division by the seas, rivers, mountains, thick forests, deserts, etc., or it may be done by creating artificial divisions in the form of digging trenches or fixing pointed wire fencing.

**Government**: Government is said to be the soul of the state. It implements the will of the community. It protects the people against conditions of insecurity. If state is regarded as the first condition of a civilized life, it is due to the existence of a government that maintain law and order and makes 'good life' possible. The government is the machinery that terminates the condition of anarchy. It is universally recognized that as long as there are diverse interests in society, some mechanism is needed to bring about and maintain a workable arrangement to keep the people together. The government of a state should be so organized that it enforces law so as to maintain the conditions of peace and security. The form of government may be monarchical, aristocratic, oligarchic, democratic, or dictatorial and the like, what really needed is that if there is no government, there is anarchy and the state is at an end.

**Sovereignty**: As already pointed out, sovereignty is the fourth essential attribute of the concept state. It is the highest power of the state that distinguishes it from all other associations of human beings. Sovereignty, in its simplest sense, is the principle of absolute and unlimited power. It has two aspects - Internal and External. Internal Sovereignty implies that inside the state there can be no other authority that may claim equality with it. The state is the final source of all laws internally. On the other hand, External sovereignty implies that the state should be free from foreign control of any kind. It is, however, a different matter that a state willingly accepts some international obligations in the form of membership to some international intergovernmental and other organizations such as the United Nations. Conceptually, the existence of sovereign authority appears in the form of law. It is for this reason that the law of the state is binding on all and its violation is resulted with suitable punishment. It is universally accepted that a sovereign state is legally competent to issue any command that is binding on all citizens and their associations.

In addition to the essential attributes of the state agreed in the 1933, the contemporary political theorists and the UN considered **recognition** as the fifth essential attribute of the state. This is because, for a political unit to be accepted as a state with an 'international personality' of its own, it must be recognized as such by a significant portion of the international community. It is to mean that, for a state to be legal actor in the international stage; other actors (such as other states, international intergovernmental and non-governmental organizations… etc.) must recognize it as a state. Thus, recognition implies both approaching of the necessary facts and the desire of coming in to effect of the legal and political results of recognition. Likewise, for a government of a state to be formally to act on its behalf, the government must be recognized as legitimate government of the state by other governments.

## 4.4. Rival Theories of State

***Brainstorming:***

What is the nature of state power, and whose interests does the state represent?

There are various rival theories of the state, each of which offers a different account of its origins, development and impact on society. Indeed, controversy about the nature of state power has increasingly dominated modern political analysis and goes to the heart of ideological and theoretical disagreements in the discipline. These relate to questions about whether, for example, the state is autonomous and independent of society, or whether it is essentially a product of society, a reflection of the broader distribution of power or resources. Moreover, does the state serve the common or collective good, or is it biased in favor of privileged groups or a dominant class? Similarly, is the state a positive or constructive force, with responsibilities that should be enlarged, or is it a negative or destructive? Andrew Heywood (2013) classified the rival theories of state into four: the pluralist state, the capitalist state, the leviathan state and the patriarchal state.

### 4.4.1. The Pluralist State

The pluralist theory of the state has a very clear liberal lineage. It stems from the belief that the state acts as an 'umpire' or 'referee' in society. This view has also dominated mainstream political analysis, accounting for a tendency, at least within Anglo-American thought, to discount the state and state organizations and focus instead on 'government'. Indeed, it is not uncommon in this tradition for

'the state' to be dismissed as an abstraction, with institutions such as the courts, the civil service and the military being seen as independent actors in their own right, rather than as elements of a broader state machine. Nevertheless, this approach is possible only because it is based on underlying, and often unacknowledged, assumptions about state neutrality. The state can be ignored only because it is seen as an **impartial arbiter** or **referee** that can be bent to the will of the government of the day.

The origins of this view of the state can be traced back to the social-contract theories of thinkers such as Thomas Hobbes and John Locke. The principal concern of such thinkers was to examine the grounds of political obligation, the grounds on which the individual is obliged to obey and respect the state. They argued that the state had arisen out of a voluntary agreement, or **social contract**, made by individuals who recognized that only the establishment of a sovereign power could safeguard them from the insecurity, disorder and brutality of the state of nature. Without a state, individuals abuse, exploit and enslave one another; with a state, order and civilized existence are guaranteed and liberty is protected. As Locke put it, where there is no law there is no freedom.

In liberal theory, the state is thus seen as a neutral arbiter amongst the competing groups and individuals in society; it is an 'umpire' or 'referee' that is capable of protecting each citizen from the encroachments of fellow citizens. The neutrality of the state reflects the fact that the state acts in the interests of all citizens, and therefore represents the common good or public interest. In Hobbes' view, stability and order could be secured only through the establishment of an absolute and unlimited state, with power that could be neither challenged, nor questioned. In other words, he held that citizens are confronted by a stark choice between absolutism and anarchy. Locke, on the other hand, developed a more typically liberal defense of the limited state. In his view, the purpose of the state is very specific: it is restricted to the defense of a set of 'natural' or God-given individual rights; namely, life, liberty and property. This establishes a clear distinction between the responsibilities of the state (essentially, the maintenance of domestic order and the protection of property) and the responsibilities of individual citizens (usually seen as the realm of civil society). Moreover, since the state may threaten natural rights as easily as it may uphold them, citizens must enjoy some form of protection against the state, which Locke believed could be delivered only through the mechanisms of constitutional and representative government.

These ideas were developed in the twentieth century into the pluralist theory of the state. As a theory of society, pluralism asserts that, within liberal democracies, power is widely and evenly dispersed. As a theory of the state, pluralism holds that the state is neutral, insofar as it is susceptible to the influence of various groups and interests, and all social classes. The state is not biased in favor of any particular interest or group, and it does not have an interest of its own that is separate from those of society. As Schwarzmantel (1994) put it, the state is 'the servant of society and not its master'. The state can thus be portrayed as a 'pincushion' that passively absorbs pressures and forces exerted upon it.

Two key assumptions underlie this view. The first is that the state is effectively subordinate to government. Non-elected state bodies (the civil service, the judiciary, the police, the military and so on) are strictly impartial and are subject to the authority of their political masters. The state apparatus is therefore thought to conform to the principles of public service and political accountability. The second assumption is that the democratic process is meaningful and effective. In other words, party competition and interest-group activity ensure that the government of the day remains sensitive and responsive to public opinion. Ultimately, therefore, the state is only a **weather vane** that is blown in whichever direction the public-at-large dictates.

Modern pluralists, however, have often adopted a more critical view of the state, termed the **neo-pluralist** theory of the state. Theorists such as Robert Dahl and Charles Lindblom (1953) have come to accept that modern industrialized states are both more complex and less responsive to popular pressures than classical pluralism suggested. Neo-pluralists, for instance, have acknowledged that business enjoys a 'privileged position' in relation to government that other groups clearly cannot rival. In Politics and Markets, Lindblom (1980) pointed out that, as the major investor and largest employer in society, business is bound to exercise considerable sway over any government, whatever its ideological leanings or manifesto commitments. Moreover, neo-pluralists have accepted that the state can, and does, forge its own sectional interests. In this way, a state elite, composed of senior civil servants, judges, police chiefs, military leaders and so on, may be seen to pursue either the bureaucratic interests of their sector of the state, or the interests of client groups. Indeed, if the state is regarded as a political actor in its own right, it can be viewed as a powerful (perhaps the most powerful) interest group in society. This line of argument encouraged Eric Nordlinger (1981) to

develop a state-centered model of liberal democracy, based on 'the autonomy of the democratic state.

## 4.4.2. The Capitalist State

The Marxist notion of a capitalist state offers a clear alternative to the pluralist image of the state as a neutral arbiter or umpire. Marxists have typically argued that the state cannot be understood separately from the economic structure of society. This view has usually been understood in terms of the classic formulation that the state is nothing but an instrument of class oppression: the state emerges out of, and in a sense reflects, the class system. Nevertheless, a rich debate has taken place within Marxist theory in recent years that has moved the Marxist theory of the state a long way from this classic formulation. In many ways, the scope to revise Marxist attitudes towards the state stems from ambiguities that can be found in Marx's own writings.

Marx did not develop a systematic or coherent theory of the state. In a general sense, he believed that the state is part of a 'superstructure' that is determined or conditioned by the economic 'base', which can be seen as the real foundation of social life. However, the precise relationship between the base and the superstructure, and in this case that between the state and the capitalist mode of production, is unclear. Two theories of the state can be identified in Marx's writings. The first is expressed in his often-quoted dictum from The Communist Manifesto (1848): 'The executive of the modern state is but a committee for managing the common affairs of the whole bourgeoisie'. From this perspective, the state is clearly dependent on society and entirely dependent on its economically dominant class, which in capitalism is the bourgeoisie. Lenin thus described the state starkly as an instrument for the oppression of the exploited class.

A second, more complex and subtle, theory of the state can nevertheless be found in Marx's analysis of the revolutionary events in France between 1848 and1851, The Eighteenth Brumaire of Louis Bonaparte (1852). Marx suggested that the state could enjoy what has come to be seen as 'relative autonomy' from the class system, the Napoleonic state being capable of imposing its will upon society, acting as an 'appalling parasitic body'. If the state did articulate the interests of any class, it was not those of the bourgeoisie, but those of the most populous class in French society, the smallholding peasantry. Although Marx did not develop this view in detail, it is clear that, from this

perspective, the autonomy of the state is only relative, in that the state appears to mediate between conflicting classes, and so maintains the class system itself in existence.

Both these theories differ markedly from the liberal and, later, pluralist models of state power. In particular, they emphasize that the state cannot be understood except in a context of unequal class power, and that the state arises out of, and reflects, capitalist society, by acting either as an instrument of oppression wielded by the dominant class, or, more subtly, as a mechanism through which class antagonisms are ameliorated. Nevertheless, Marx's attitude towards the state was not entirely negative. He argued that the state could be used constructively during the transition from capitalism to communism in the form of the 'revolutionary dictatorship of the proletariat'. The overthrow of capitalism would see the destruction of the bourgeois state and the creation of an alternative, proletarian one.

In describing the state as a proletarian 'dictatorship', Marx utilized the first theory of the state, seeing the state as an instrument through which the economically dominant class (by then, the proletariat) could repress and subdue other classes. All states, from this perspective, are class dictatorships. The 'dictatorship of the proletariat' was seen as a means of safeguarding the gains of the revolution by preventing counter-revolution mounted by the dispossessed bourgeoisie. Nevertheless, Marx did not see the state as a necessary or enduring social formation. He predicted that, as class antagonisms faded, the state would 'wither away', meaning that a fully communist society would also be stateless. Since the state emerged out of the class system, once the class system had been abolished, the state, quite simply, loses its reason for existence. Marx's ambivalent heritage has provided modern Marxists, or neo-Marxists, with considerable scope to further the analysis of state power. This was also encouraged by the writings of Antonio Gramsci, who emphasized the degree to which the domination of the ruling class is achieved by ideological manipulation, rather than just open coercion. In this view, bourgeois domination is maintained largely through 'hegemony': that is, intellectual leadership or cultural control, with the state playing an important role in the process.

Since the 1960s, Marxist theorizing about the state has been dominated by rival instrumentalist and structuralist views of the state. In The State in Capitalist Society (1969, 2009), Miliband portrayed the state as an agent or instrument of the ruling class, stressing the extent to which the state elite is disproportionately drawn from the ranks of the privileged and propertied. The bias of the state in

favor of capitalism is therefore derived from the overlap of social backgrounds between, on the one hand, civil servants and other public officials, and, on the other, bankers, business leaders and captains of industry. Nicos Poulantzas, in Political Power and Social Classes (1968), dismissed this sociological approach, and emphasized instead the degree to which the structure of economic and social power exerts a constraint on state autonomy. This view suggests that the state cannot but act to perpetuate the social system in which it operates. In the case of the capitalist state, its role is to serve the long-term interests of capitalism, even though these actions may be resisted by sections of the capitalist class itself. Neo-Marxists have increasingly seen the state as the terrain on which the struggle amongst interests, groups and classes is conducted. Rather than being an 'instrument' wielded by a dominant group or ruling class, the state is thus a dynamic entity that reflects the balance of power within society at any given time, and the ongoing struggle for hegemony.

### 4.4.3. The Leviathan State

The image of the state as a 'leviathan' (in effect, a self-serving monster intent on expansion and aggrandizement) is one associated in modern politics with the New Right. Such a view is rooted in early or classical liberalism and, in particular, a commitment to a radical form of individualism. The New Right, or at least its neoliberal wing, is distinguished by a strong antipathy towards state intervention in economic and social life, born out of the belief that the state is parasitic growth that threatens both individual liberty and economic security. In this view, the state, instead of being, as pluralists suggest, an impartial umpire or arbiter, is an overbearing 'nanny', desperate to interfere or meddle in every aspect of human existence. The central feature of this view is that the state pursues interests that are separate from those of society (setting it apart from Marxism), and that those interests demand an unrelenting growth in the role or responsibilities of the state itself. New Right thinkers therefore argue that the twentieth century tendency towards state intervention reflected not popular pressure for economic and social security, or the need to stabilize capitalism by ameliorating class tensions but, rather, the internal dynamics of the state.

New Right theorists explain the expansionist dynamics of state power by reference to both demand-side and supply-side pressures. Demand-side pressures are those that emanate from society itself, usually through the mechanism of electoral democracy. The New Right argue that electoral competition encourages politicians to 'outbid' one another by making promises of increased spending and more generous government programs, regardless of the long-term damage that such

policies inflict on the economy in the form of increased taxes, higher inflation and the 'crowding out' of investment. Supply-side pressures, on the other hand, are those that are internal to the state. These can therefore be explained in terms of the institutions and personnel of the state apparatus. In its most influential form, this argument is known as the government oversupply thesis. The oversupply thesis has usually been associated with public-choice theorists, who examine how public decisions are made on the assumption that the individuals involved act in a rationally self-interested fashion.

While Marxists argue that the state reflects broader class and other social interests, the New Right portrays the state as an independent or autonomous entity that pursues its own interests. In this view, bureaucratic self-interest invariably supports 'big' government and state intervention, because this leads to an enlargement of the bureaucracy itself, which helps to ensure job security, improve pay, open up promotion prospects and enhance the status of public officials. This image of self-seeking bureaucrats is plainly at odds with the pluralist notion of a state machine imbued with an ethic of public service and firmly subject to political control.

### 4.4.4. The Patriarchal State

Modern thinking about the state must, finally, take account of the implications of feminist theory. However, this is not to say that there is a systematic feminist theory of the state. Feminist theory encompasses a range of traditions and perspectives, and has thus generated a range of very different attitudes towards state power. Moreover, feminists have usually not regarded the nature of state power as a central political issue, preferring instead to concentrate on the deeper structure of male power centered on institutions such as the family and the economic system. Some feminists, indeed, may question conventional definitions of the state, arguing, for instance, that the idea that the state exercises a monopoly of legitimate violence is compromised by the routine use of violence and intimidation in family and domestic life. Nevertheless, sometimes implicitly and sometimes explicitly, feminists have helped to enrich the state debate by developing novel and challenging perspectives on state power.

Liberal feminists, who believe that sexual or gender equality can be brought about through incremental reform, have tended to accept an essentially pluralist view of the state. They recognize that, if women are denied legal and political equality, and especially the right to vote, the state is

biased in favor of men. However, their faith in the state's basic neutrality is reflected in the belief that any such bias can, and will, be overcome by a process of reform. In this sense, liberal feminists believe that all groups (including women) have potentially equal access to state power, and that this can be used impartially to promote justice and the common good. Liberal feminists have therefore usually viewed the state in positive terms, seeing state intervention as a means of redressing gender inequality and enhancing the role of women. This can be seen in campaigns for equal-pay legislation, the legalization of abortion, the provision of child-care facilities, the extension of welfare benefits, and so on.

Nevertheless, a more critical and negative view of the state has been developed by radical feminists, who argue that state power reflects a deeper structure of oppression in the form of patriarchy. There are a number of similarities between Marxist and radical feminist views of state power. Both groups, for example, deny that the state is an autonomous entity bent on the pursuit of its own interests. Instead, the state is understood, and its biases are explained, by reference to a 'deep structure' of power in society at large. Whereas Marxists place the state in an economic context, radical feminists place it in a context of gender inequality, and insist that it is essentially an institution of male power. In common with Marxism, distinctive instrumentalist and structuralist versions of this feminist position have been developed. The instrumentalist argument views the state as little more than an agent or 'tool' used by men to defend their own interests and uphold the structures of patriarchy. This line of argument draws on the core feminist belief that patriarchy is rooted in the division of society into distinct 'public' and 'private' spheres of life, men dominating the former while women are confined to the later. Quite simply, in this view, the state is run by men, and for men.

Whereas instrumentalist arguments focus on the personnel of the state, and particularly the state elite, structuralist arguments tend to emphasize the degree to which state institutions are embedded in a wider patriarchal system. Modern radical feminists have paid particular attention to the emergence of the welfare state, seeing it as the expression of a new kind of patriarchal power. Welfare may uphold patriarchy by bringing about a transition from private dependence (in which women as 'home makers' are dependent on men as 'breadwinners') to a system of public dependence in which women are increasingly controlled by the institutions of the extended state. For instance, women have become increasingly dependent on the state as clients or customers of

state services (such as childcare institutions, nursery education and social work) and as employees, particularly in the so-called 'caring' professions (such as nursing, social work and education).

## 4.5. The Role of the State

***Brainstorming Questions:***

What should states do? What functions or responsibilities should the state fulfil, and which ones should be left in the hands of private individuals?

Contrasting interpretations of state power have clear implications for the desirable role or responsibilities of the state. With the exception of anarchists, who dismiss the state as fundamentally evil and unnecessary, all political thinkers have regarded the state as, in some sense, worthwhile. Even revolutionary socialists, inspired by the Leninist slogan 'smash the state', have accepted the need for a temporary proletarian state to preside over the transition from capitalism to communism, in the form of the 'dictatorship of the proletariat'. Nevertheless, there is profound disagreement about the exact role the state should play, and therefore about the proper balance between the state and civil society. Among the different state forms that have developed are the following:

- Minimal states
- Developmental states
- Social-democratic states
- Collectivized states
- Totalitarian states
- Religious states

### 4.5.1. Minimal States

The minimal state is the ideal of classical liberals, whose aim is to ensure that individuals enjoy the widest possible realm of freedom. This view is rooted in social-contract theory, but it nevertheless advances an essentially 'negative' view of the state. From this perspective, the value of the state is that it has the capacity to constrain human behavior and thus to prevent individuals encroaching on the rights and liberties of others. The state is merely a protective body, its core function being to provide a framework of peace and social order within which citizens can conduct their lives as they

think best. In Locke's famous simile, the state acts as a night watchman, whose services are called upon only when orderly existence is threatened? This nevertheless leaves the 'minimal' or 'night watchman' state with three core functions. First and foremost, the state exists to maintain domestic order. Second, it ensures that contracts or voluntary agreements made between private citizens are enforced, and third it provides protection against external attack. The institutional apparatus of a minimal state is thus limited to a police force, a court system and a military of some kind. Economic, social, cultural, moral and other responsibilities belong to the individual, and are therefore firmly part of civil society.

The cause of the minimal state has been taken up in modern political debate by the New Right. Drawing on early liberal ideas, and particularly on free-market or classical economic theories, the New Right has proclaimed the need to 'roll back the frontiers of the state'. In the writings of Robert Nozick (1974), this amounts to a restatement of Lockean liberalism based on a defense of individual rights, especially property rights. In the case of free-market economists such as Friedrich von Haye and Milton Friedman, state intervention is seen as a 'dead hand' that reduces competition, efficiency and productivity. From the New Right perspective, the state's economic role should be confined to two functions: the maintenance of a stable means of exchange or 'sound money' (low or zero inflation), and the pro motion of competition through controls on monopoly power, price fixing and so on.

## 4.5.2. Developmental States

The best historical examples of minimal states were those in countries such as the UK and the USA during the period of early industrialization in the nineteenth century. As a general rule, however, the later a country industrializes, the more extensive will be its state's economic role. In Japan and Germany, for instance, the state assumed a more active 'developmental' role from the outset. A developmental state is one that intervenes in economic life with the specific purpose of promoting industrial growth and economic development. This does not amount to an attempt to replace the market with a 'socialist' system of planning and control but, rather, to an attempt to construct a partnership between the state and major economic interests, often underpinned by conservative and nationalist priorities.

The classic example of a developmental state is Japan. During the Meiji Period (1868–1912), the Japanese state forged a close relationship with the Zaibutsu, the great family-run business empires that dominated the Japanese economy up until World War II. Since 1945, the developmental role of the Japanese state has been assumed by the Japanese Ministry of International Trade and Industry (MITI), which, together with the Bank of Japan, helps to shape private investment decisions and steer the Japanese economy towards international competitiveness. A similar model of developmental intervention has existed in France, where governments of both left and right have tended to recognize the need for economic planning, and the state bureaucracy has seen itself as the custodian of the national interest. In countries such as Austria and, to some extent, Germany, economic development has been achieved through the construction of a 'partnership state', in which an emphasis is placed on the maintenance of a close relationship between the state and major economic interests, notably big business and organized labor.

More recently, economic globalization has fostered the emergence of 'competition states', examples of which are found amongst the tiger economies of East Asia. Competition states are distinguished by their recognition of the need to strengthen education and training as the principal guaranteeing economic success in a context of intensifying transnational competition.

### 4.5.3. Social Democratic (Welfare) States

Whereas developmental states practice interventionism in order to stimulate economic progress, social-democratic states intervene with a view to bringing about broader social restructuring, usually in accordance with principles such as fairness, equality and social justice. In countries such as Austria and Sweden, state intervention has been guided by both developmental and social democratic priorities. Nevertheless, developmentalism and social democracy do not always go hand-in-hand. As Marquand (1988) pointed out, although the UK state was significantly extended in the period immediately after World War II along social-democratic lines, it failed to evolve into a developmental state. The key to understanding the social-democratic state is that there is a shift from a 'negative' view of the state, which sees it as little more than a necessary evil, to a positive view of the state, in which it is seen as a means of enlarging liberty and promoting justice. The social-democratic state is thus the ideal of both modern liberals and democratic socialists.

Rather than merely laying down the conditions of orderly existence, the social-democratic state is an active participant; in particular, helping to rectify the imbalances and injustices of a market economy. It therefore tends to focus less upon the generation of wealth and more upon what is seen as the equitable or just distribution of wealth. In practice, this boils down to an attempt to eradicate poverty and reduce social inequality. The twin features of a social democratic state are therefore Keynesianism and social welfare. The aim of Keynesian economic policies is to 'manage' or 'regulate' capitalism with a view to promoting growth and maintaining full employment. Although this may entail an element of planning, the classic Keynesian strategy involves 'demand management' through adjustments in fiscal policy; that is, in the levels of public spending and taxation. The adoption of welfare policies has led to the emergence of so called 'welfare states', whose responsibilities have extended to the promotion of social well-being amongst their citizens. In this sense, the social-democratic state is an 'enabling state', dedicated to the principle of individual empowerment.

## 4.5.4. Collectivized States

While developmental and social-democratic states intervene in economic life with a view to guiding or supporting a largely private economy, collectivized states bring the entirety of economic life under state control. The best examples of such states were in orthodox communist countries such as the USSR and throughout Eastern Europe. These sought to abolish private enterprise altogether, and set up centrally planned economies administered by a network of economic ministries and planning committees. So-called 'command economies' were therefore established that were organized through a system of 'directive' planning that was ultimately controlled by the highest organs of the communist party. The justification for state collectivization stems from a fundamental socialist preference for common ownership over private property. However, the use of the state to attain this goal suggests a more positive attitude to state power than that outlined in the classical writings of Marx and Engels (1820–95).

Marx and Engels by no means ruled out nationalization; Engels, in particular, recognized that, during the 'dictatorship of the proletariat', state control would be extended to include factories, the banks, transportation and so on. Nevertheless, they envisaged that the proletarian state would be strictly temporary, and that it would 'wither away' as class antagonisms abated. In contrast, the collectivized state in the USSR became permanent, and increasingly powerful and bureaucratic.

Under Stalin, socialism was effectively equated with statism, the advance of socialism being reflected in the widening responsibilities and powers of the state apparatus. Indeed, after Khrushchev announced in 1962 that the dictatorship of the proletariat had ended, the state was formally identified with the interests of 'the whole Soviet peoples.

## 4.5.5. Totalitarian States

The most extreme and extensive form of interventionism is found in totalitarian states. The essence of totalitarianism is the construction of an all-embracing state, the influence of which penetrates every aspect of human existence. The state brings not only the economy, but also education, culture, religion, family life and so on under direct state control. The best examples of totalitarian states are Hitler's Germany and Stalin's USSR, although modern regimes such as Saddam Hussein's Iraq arguably have similar characteristics. The central pillars of such regimes are a comprehensive process of surveillance and terroristic policing, and a pervasive system of ideological manipulation and control. In this sense, totalitarian states effectively extinguish civil society and abolish the private sphere of life altogether. This is a goal that only fascists, who wish to dissolve individual identity within the social whole, are prepared openly to endorse. It is sometimes argued that Mussolini's notion of a totalitarian state was derived from Hegel's belief in the state as an 'ethical community' reflecting the altruism and mutual sympathy of its members. From this perspective, the advance of human civilization can clearly be linked to the aggrandizement of the state and the widening of its responsibilities.

## 4.5.6. Religious States

On the face of it, a religious state is a contradiction in terms. The modern state emerged largely through the triumph of civil authority over religious authority, religion increasingly being confined to the private sphere, through a separation between church and state. The advance of state sovereignty thus usually went hand in hand with the forward march of secularization. In the USA, the secular nature of the state was enshrined in the First Amendment of the constitution, which guarantees that freedom of worship shall not be abridged, while in France the separation of church and state has been maintained through a strict emphasis on the principle of *laïcité*. In countries such as Norway, Denmark and the UK, 'established' or state religions have developed, although the

privileges these religions enjoy stop well short of theocratic rule, and their political influence has generally been restricted by a high level of social secularization.

Nevertheless, the period since the 1980s has witnessed the rise of the religious state, driven by the tendency within religious fundamentalism to reject the public/private divide and to view religion as the basis of politics. Far from regarding political realm as inherently corrupt, fundamentalist movements have typically looked to seize control of the state and to use it as an instrument of moral and spiritual regeneration. This was evident, for instance, in the process of 'Islamization' introduced in Pakistan under General Zia-ul-Haq after 1978, the establishment of an 'Islamic state' in Iran as a result of the 1979 revolution, and, despite its formal commitment to secularism, the close links between the Sri Lankan state and Sinhala Buddhism, particularly during the years of violent struggle against Tamil separatism. Although, strictly speaking, religious states are founded on the basis of religious principles, and, in the Iranian model, contain explicitly theocratic features, in other cases religiously-orientated governments operate in a context of constitutional secularism.

## 4.6. Understanding Government

***Brainstorming:***

What is government? What are the functions of government? Discuss on the systems of government?

### 4.6.1. What is Government?

In its broadest sense, to govern means to rule or control others. Government can therefore be taken to include any mechanism through which ordered rule is maintained, its central features being the ability to make collective decisions and the capacity to enforce them. A form of government can thus be identified in almost all social institutions like families, school, businesses, trade unions and so on. However, government in our context, is to refer to the formal and institutional processes that operate at the national level to maintain public order and facilitate collective action. It is a body or organ that administers a country and main organization dealing with affairs of the whole country. Thus, government is one of the most essential components and also an administrative wing of the state.

In other words, government can also refer to political organization comprising individuals and institutions authorized to formulate public policies and conduct affairs of state. Governments are empowered to establish and regulate the interrelationships of the people within their territorial confines, the relations of the people with community as a whole, and the dealings of the community with other political entities. Thus, government applies both to the governments of national states, for instance the federal government of Ethiopia and to the governments of subdivisions of national states such as the regional states, provinces, and municipal governments, etc. of Ethiopia. Any form of government, to be stable and effective, must possess two essential attributes: authority and legitimacy.

**Authority:** In politics, the word authority implies the ability to compel obedience. It can simply be defined as 'legitimate power.' While power is the ability to influence the behavior of others, authority is the right to do so. Authority is therefore, based on an acknowledged duty to obey rather than on any form of coercion or manipulation. Thus, authority is the legitimacy, justification and right to exercise that power. Authority can be expressed as naked force and terror as was the case in many undemocratic governments or through a series of more or less transparent public hearings as in the case of most democratic states.

**Legitimacy**: The term legitimacy (from the Latin word *legitimare*, meaning 'to declare lawful') broadly means rightfulness. Thus, legitimacy is the attribute of government that prompts the governed to comply willingly with its authority. It confers on an order or commands an authoritative or binding character, thus transforming power in to authority. Thus, legitimacy is the popular acceptance of a governing regime or law as an authority.

Legitimacy is considered as a basic condition to rule; without at least a minimal amount of legitimacy, a government will deadlock or collapse. Thus, as long as legitimacy stays at a certain level, stability is maintained, if it falls below this level it is endangered. For instance, most of the times regimes are seen as requiring the consent of a large proportion of the population to retain power, but this is not necessarily be the case, since many unpopular regimes have been known to survive provided they are seen as legitimate within a small but influential elite. Therefore, legitimacy is gained through the acquisition of power in accordance with recognized or accepted standards or principles. That is to say that a legitimate government will 'do the right thing' and therefore deserves

to be respected and obeyed. The concept legitimacy differs from legality in the sense that the term legality does not necessarily guarantee that a government is respected or that its citizens acknowledge a duty of obedience.

## 4.6.2. Purposes and Functions of Government

One of the central questions of political philosophy is the purpose of government. Many great political philosophers have conceived themselves with this question. One common formulation is that the main purpose of the state is to protect rights and to preserve justice. There are several ways to conceive the differences between the different political views. For example, one might as in what areas should the government have jurisdiction, to what extent it may intervene in those areas, or even what constitutes intervention in the first place. A lot of institutions can be said to exist only because the government provides the framework for their existence; for instance, Marxist argue that the institution of private property only exists due to government. Mostly, the constitutions of various countries codify views to the purposes, powers, and forms of their governments, but they tend to do so in rather vague terms, which particular laws, courts, and actions of politicians subsequently flesh out. In general, various countries have translated vague talk about the purposes of their governments in to particular state laws, bureaucracies, enforcement actions, etc.

Evidently, depending on the character of the society of which they are an expression, different governments may serve various purposes and functions. In the contemporary world, however, the purposes and functions of governments have greatly expanded with the emergence of government as the most active force vehicle in the political, social, and economic developments. Accordingly, the major purposes and functions of government include, among other things, the following:

- **Self-Preservation:** Nearly all governments at least claim to have as their purposes the establishment of an order that permits predictability, which in turn promotes a sense of security among the governed. This may be true whether a government is authoritarian or democratic. Sovereign states also take as a primary purpose the defense of the country's territory against external attack. Thus, as their first and primary purpose and function, governments are responsible to prevail order, predictability, internal security, and external defense.
- **Distribution and Regulation of Resources:** All governments invariably play the role of distributing resources in their societies. In addition, governments are the only institutions that

determine whether resources are going to be controlled by the public or private sector. Some governments may decide that the resources should be controlled by the public, which commonly known as socialist states and others may decide to be controlled by the private sector, which are capitalist states. In addition, other states may place in between, that is the resources could be controlled by both the public and private sector.

- **Management of Conflicts:** Governments usually develop and consolidate institutions and procedures for the management of conflicts. These may include the legislative, executive, and judicial institutions with established procedures for the supervision and resolution of conflicts that may arise in the society.
- **Fulfillment of Social or Group Aspirations:** In addition to the aforementioned purposes and functions, governments also strive to fulfill the goals and interests of the society as a whole and of various groups within the society. These aspirations may include the promotion of human rights, common good, and international peace.
- **Protection of Rights of Citizens:** Some governments, especially those of constitutional and democratic governments, are established for the protection of every citizen's human, democratic, political, social, economic and cultural rights. Constitutional and democratic governments are created to serve and protect every citizen's rights, not to dominate them.
- **Protection of Property:** States or governments provide means such as police and the court systems that protect private and public property. As such, protection of private and public property is, therefore, one among the major purposes and functions of any government.
- **Implementations of Moral Conditions:** Some governments' attempts to improve the moral conditions of their citizens that is why, in all countries, laws and institutions are designed to shape citizens character in accordance with some standard of morality.

- **Provision of Goods and Services:** Some governments, especially those of the poor countries, participate heavily in the provision of goods and services for the public. Some of the necessary common goods and services provided by governments may include, provision of healthcare, education, development of public works, provision of food, shelter, clothing for the public, Developing social services, etc.

# 4.7. Understanding Citizenship

***Brainstorming Question:***

What does the term citizenship means for you?

## 4.7.1. Defining Citizenship

As you can remember, in chapter one of this course, we have seen the definitions of citizen and citizenship. In simplest terms, citizen refers to the person who is a legal member of a particular State and one who owes allegiance to that State. To describe it in a different mood, citizen is a person who is legally recognized as member of a particular, officially sovereign political community, entitled to whatever prerogatives and encumbered with responsibilities.

The means by which we determine whether a person is legal member of a particular State or otherwise is called 'citizenship'. At the formal level, citizenship simply denotes to the network of relationships between the State and the citizen. As such, citizenship refers to the rules regulating the legal/formal relations between the State and the individual with respect to the acquisition and loss of a given country's nationality. However, from political and social perspectives and at a substantive level, citizenship is beyond a legal status. Though many agree that citizenship is a political and legal artefact that creates a condition of civic equality among those who possess it with regard to the prerogatives and responsibilities it bestows and requires, the term citizenship has been defined differently by scholars and practitioners. For this reason, citizenship is a polysemy term which has had different meanings depending on the historical legacies, political organization of the state, ideologies and socio-cultural context of societies. Several countries refer to the term citizenship in their national language as expressing merely the judicial relationship between the citizen and the State while others denote it with the social roles of citizens in their society. Generally, the concept of citizenship varies from society to society, depending on the place, the historical moment and political organization. Although differences may exist, there are common elements such as rights, duties, belonging, identity and participation one can find in definitions of the term.

***i) Citizenship as a Status of Rights*:** The mere fact of being a citizen makes the person a creditor of a series of rights. In this sense, current political discourse often tends to identify citizenship with

rights. Marshall 1998, distinguishes three types of rights that historically have been established in succession: the *civil,* or the rights necessary for the development of individual liberty; *political,* i.e. the right to participate in the exercise of political power, as an elected member or as a voter and *social* rights, which are those that guarantee the right to public safety, health, the right to education, etc., that is the right to a decent life (these rights are discussed in detail in Chapter four of this module). It is precisely these rights that give us the status of citizens, to enjoy these means to be a full member of a democratic society. Each right is often pursued in specific institutional forums: legal/civil rights are mainly exercised in the courts; political rights are used in voting booths, legislatures and street protests; social rights are often activated or disputed in government buildings.

Oldfield (1990), Mouffe (1992) and Lister (1997) conceptualize citizenship as both a status and an active practice. Citizenship as a status accords a range of rights and obligations. That is why; Jones and Gaventa (2002) assert that rights and obligations lie at the heart of the language of citizenship. Hence, legally and sociologically speaking, a citizen is a person who has the privilege to enjoy the citizenship rights that are essential for agency. Hohfeld (1978), for instance, discovered four components of rights known as 'the Hohfeldian incidents' namely, liberty (privilege), claim, power and immunity.

***a) Liberty Right*:** is a freedom given for the right-holder to do something and there are no obligations on other parties to do or not to do anything to aid the bearer to enjoy such rights. The beholder got benefits from liberty rights without obliging others. Furthermore, no one including the State has any legitimate authority to interfere with the citizen's freedom except to prevent harm to others. For instance, every citizen has the right to movement. His/her right to movement goes to the level where another's claim right limits his/her freedom (see also through articles 25 to 34 of the FDRE constitution). But what does it means by claim rights?

***b) Claim Rights*:** are the inverse of liberty rights since it entails responsibility upon another person or body. The duty bearer has to accomplish something that is indispensable for right holders to enjoy the claim rights. That is, there must be somebody who is there to do or refrain from doing something to/for the claim holder, i.e., claim rights are rights enjoyed by individuals when others discharge their obligations. Hence, in contrast to liberty rights, claim rights impose a corresponding duty on others to help respect and protect the bearers. For instance, social rights such as

unemployment and public service benefits are *claims* that directly depend on taxes paid by others. To mention, a contract between employer and employee confers on the employee a right to be paid his/her wages. The employee has a claim that the employer has a duty to the employee to pay those wages. Article 41(3 and 4) of the FDRE constitution underlines the responsibility of the government to avail publicly funded social services such as health and education since all Ethiopian citizens have the rights to enjoy such basic privileges, claim rights.

Liberty and claim rights termed as primary rules, rules requiring that people perform or refrain from doing particular action. There are two other rights termed as secondary rules, according to Hohfeldian incidents. These secondary rules specify how agents/beholders can introduce, change and alter the primary rules (liberty and claim rights).

***c) Powers Rights*:** are rights regarding the modification of first-order rights. They are cooperative controls that are imposed on others. The holder of a power, be it a government or a citizen, can change or cancel other people and his/her own entitlements. For example, Article 40(1) of the FDRE constitution asserts that Ethiopian citizens have the rights to the ownership of private property and to modify, sale, donate or transfer their property to a third party. As it is stated in Article 33(3) the FDRE constitution, every Ethiopian citizen has the right to renounce his/her Ethiopian citizenship/nationality which shows the power rights of the citizens. Similarly, a government has also the power to modify legal rights through imposing to or removing duties from citizens.

***d) Immunity Rights*:** allow bearers escape from controls and thus they are the opposite of power rights. Immunity rights entail the absence of a power in other party to alter the right-holder's normative situation in some way. For instance, civil servants have a right not to be dismissed from their job after a new government comes to power. Witness in the court has a right not to be ordered to incriminate himself/herself. Additionally, as it is affirmed in Article 18(3) of the FDRE constitution, "no one shall be required to perform forced or compulsory labour". Immunities also comprise compensation for rights violations that occurred in the past and at least partially make up for past injustices or uneven burdens.

***Discussion Question:***

Assume that you have a smart phone. Then, discuss with your class mates about your liberty, claim, power and immunity rights over your smart phone.

***ii) Membership and Identity*:** Citizenship is associated with membership of a political community, which implies integration into that community with a specific identity that is common to all members who belongs to it. The criteria for membership have been linked to shared territory, common culture, ethnic characteristics, history, etc. However, nowadays, we often use citizenship to signify not just membership in some group but certain standards of proper conduct. Some people – those who contribute to the well-being of their community are understood to be the 'true' citizens. Those who free-ride are mere members who do not seem to understand, embrace, or embody what citizenship really means. When communities, public or private, bestow citizenship awards to some of their members, it is this usage they invoke. It obviously implies that only 'good' citizens are genuine citizens in the full meaning of the term.

***iii) Participation*:** Participation occupies a key position in citizenship. Nonetheless, individuals differ in what approaches they find important – some people focus on their private affairs while others actively participate in the life of the society, including politics. There are two approaches in this regard; minimalists and maximalists. A minimalist approach to citizenship characterized by a kind of basic passive compliance with the rules of a particular community/State, while the maximalist approach imply active, broad participation of citizens engagement in the State.

However, as Ferguson (1999) asserts, people cannot realize their rights (be it social, economic and political rights), if they fail to exercise their democratic rights to participation in decision-making that affect, directly or indirectly, their affairs. Since citizens are embodies with social relations, "to act as a citizen requires a sense of agency: the belief that one can act; acting as citizen, especially collectively" (Lister, 1998: 38). Therefore, framing citizenship as agency place undue obligation on people to consciously exercise their citizenship rights. For example, the involvement of service users in the decision-making process of public services helps them to consider themselves as active agents making and creating the services they receive rather than being passive beneficiaries. That is why there is a dichotomy between passive and active citizenship.

***iv) Inclusion and Exclusion*:** All individuals living in a particular state do not necessary mean that all are citizens. For instance, there are non-citizens visiting, working and living in Ethiopia branded

as foreigners/aliens. Foreigners have the likelihood of staying in the territorial administration of Ethiopia as far as they have authorized visas. The aliens, therefore, have rights just like the Ethiopian citizens such as the right to life, movement, and protection of the law. Additionally, there are also responsibilities shared by both the non-citizens and citizens domiciled in Ethiopia particularly in respecting the laws of the country. However, citizens are fundamentally different from aliens in enjoying privileges and shouldering responsibilities. There are some political and economic rights that are reserved to and duties to be discharged by citizens only. For instance, an Ethiopian citizen has the right to get access to land, vote and to be elected and get Ethiopian passport. Likewise, defending the constitution as well as Ethiopia territory from foreign aggressors are solely the duty of Ethiopian citizens. Generally, citizenship as legal relationship between a person and a State is different from the specific legal relation exist between foreigners and the host State.

Citizenship status, however, is not only restricted to persons. Organizations and [endemic] animals could also be considered as citizens. The term "corporate citizenship" (CC) has been used increasingly by corporations, consultants and scholars to echo, underscore, extend, or reorient certain aspects of corporate social responsibility. This is important, for it offers innovative conceptual aspect for understanding business-society relation, and in particular for identifying specific roles and responsibilities for corporate, governmental, and other actors in society. Just like citizens, corporations and private organizations do have the right to make profits and maximize their benefits. As well, they have the duty to pay tax and protect the environment similar to individual persons of citizens. In the modern time, corporations' duty is not restricted to protecting the environment and paying tax. Beyond the formal responsibilities, they have also corporate social responsibility (CSR). CSR requires corporations to engage in social and development affairs such as helping individuals with disabilities, HIV/AIDS carriers, constructing schools and health centers. Moreover, in the era of globalization, it has become increasingly customary to use 'citizen' in a different way to indicate membership of a person beyond a particular political community, the State. Terms like 'global citizen' or 'cosmopolitan citizen' are commonly used to refer to every human living in the earth planet.

## 4.7.2. Theorizing Citizenship

Citizenship is not an eternal essence rather a cultural artifact mold by people through time and that is why the notion of citizenship and the meaning attached to it changes with the change in political

thoughts, ideologies, policies and government. While some States relies on markets to allocate citizenship rights with very restricted government/State intervention, other States acknowledge government intervention in the market. Besides, all citizenship rights haven't got institutional recognition at the same period. Some of the citizenship rights such as women's rights are recently endorsed into law. For instance, the way citizenship has been framed and defined in the post-1991 Ethiopia is different from the time before, and the list and scope of constitutional rights too. Citizenship obligations vary too, ranging from States where military service is required (like Eritrea and North Korea) to those states (including Ethiopia) where every citizen, under normal circumstances, is not obliged to take military trainings or serve. As a result, various citizenship theories emerge out of such historical trajectories.

Therefore, to realize the notion of citizenship, what it is and what it could become, understanding its theoretical explanations come out to be the crucial one. Though there are different approaches to citizenship, most contemporary works that address the issue of citizenship speak of the following four approaches: liberal, communitarian, republican and multicultural citizenship.

### 4.7.2.1. Citizenship in Liberal Thought

***Class Discussion:***

Have you ever heard the word liberalism? What comes to your mind when you heard/read the word?

Liberal theory of citizenship begins with the individual person (the self). The self exists as the true symbol of liberal theory. Accordingly, it gives a strong emphasis to the individual liberty of the citizen, and rights that adhere to each and every person. The self is represented as a calculating holder of preferences and rights in a liberal society. Hence, in liberalism the primary political unit as well as the initial focus of all fundamental political inquiry is the individual person.

Liberals insist that individuals should be free to decide on their own conception of the good life, and applaud the liberation of individuals from any ascribed or inherited status. Advocators of this though argue that individual citizens act rationally, corresponding to the constitutions and laws of the State, to advance their own interests. As well, individuals conceive of themselves and of one another as having the moral power to have a conception of the good. John Locke (1960), one

among the influential early expositors of liberal theory, viewed individuals as endowed with reasoning skills, through which they can discern and act upon the dictates of divinely given natural law. If individuals act irrationally, it means that they debase their natural faculties and misapprehend what natural law requires. Locke argued that natural law and the reason to apprehend compel individuals to consider their own and others interests, to enter into civil and political society, act in the community and thus to value social cooperation and self-restraint. Thus, the individual is morally prior to the community: the community matters only because it contributes to the well-being of the individuals who compose it. If those individuals no longer find it worthwhile to maintain existing cultural practices, then the community has no independent interest in preserving those practices, and no right to prevent individuals from modifying or rejecting them.

Likewise, liberals deem internal factors as the primary reasons that determine personal identity. They provide little consideration to the environmental factors in the process of shaping the self. Beyond this, liberalists claims that the individual person shapes all other social aggregations, including the state. Therefore, citizenship and other political institutions in a given State are means that are accepted only conditionally – i.e., as long as they, in the individual's calculations, foster the maximization of the citizen's preferences/benefits. John Stuart Mill, for instance, regarded individuality and self-interest as the source of social, not just personal, progress and well-being. He has insisted that untrammeled freedom of individual thought, inquiry, worship, and expression is the surest path to truth and social improvement. Under this thought, the role of the State is to protect and create convenient environment to help citizens enjoy and exercise of their rights; the State has an instrumental function. According to Mill, individual liberty and State action tend to be opposed to each other. Increasing the power of the State means reducing individual liberty describing the myopia, corruptibility, and other defects of state officials exercising coercive powers, the better outcomes when individuals pursue their own ends, and the natural sociability of private actors in a liberal.

The pursuit of one's own interests that do not affect others is entirely the province of the individual, within which one must be free to do as one pleases without the law's interference. It follows that individuals have the right to choose their level of participation in the community in order to fulfill and maximize their own self-interest. If they choose not to do so, their citizenship is not jeopardized. Where others' interests are affected, however, the State may be justified in regulating

the activity. There are three fundamental principles which a liberal government must provide and protect: (1) equality, whereby the government has to treat individuals who are similarly situated in the same way and afford them the same rights; (2) due process, such that the government is required to treat individuals over whom it exercises power fairly; and (3) mutual consent by which membership in the political community rests on the consensual relationship between the individual and the state. By protecting these three values, the government ensures that it provides protection for individuals' rights and liberties, so they can effectively participate in the political sphere.

In line with this, Berlin (1969) and Held (2001) consider a dual characterization of liberalism ranging from a protective, defensive, conservative liberalism focused on negative liberty, subjective rights and individualism, ideals that emphasize individuals' right to be left alone and to pursue their own projects free of the State compulsion, all the way to a liberalism oriented to development, which is affirmative, progressive and focused 'positive liberty' notions. Common to positive liberty accounts is the claim that the State should act affirmatively to create or secure those substantive entitlements (e.g. income, health care, and education) that individuals need in order to lead the dignified, independent lives essential to their freedom. However, freedom under government, as John Lock (1960 cited in Schuck, 2002: 133) has already described it, embraces living in conformity with a predictable, non-arbitrary law to which one has directly or indirectly consented.

Generally, the bedrock principles of liberal theory of citizenship are: individuals are free to form their own opinions, pursue their own projects, and transact their own business untrammeled by the State's political agenda and coercive power, except in so far as individual actions implicate the interests of other members of society. Liberal citizens are thus left to their own devices without much guidance from the state. They must decide for themselves how to use their constitutionally secured freedoms, decide what kind of citizen to be – including the possibility that they will decide to forswear any political activity at all, preferring to retreat into an entirely private world of family, friends, market transactions, and self-absorption and gratification, into a world largely indifferent to any public goods not generated within these parochial domains. Citizenship cannot be defined based on shared identity or a common culture; the individual chooses his own affections, and any identification with other individuals is rather a *product of their legal status* as citizens. Equal rights bind citizens together in a legal community of free individuals. This does not imply the complete rejection of culture and identity as such, but identity and culture are not *a priori* foundations for citizenship.

***Group Discussion:***

Do you agree that liberal theory of citizenship is the current guiding citizenship approach of Ethiopia?

***Critics of Liberal Theory of Citizenship***

First, how can individuals be/are prevented from destroying each other and from destroying the basis of their mutually beneficial interaction? The most common problems related with advocating individualism are free-raiders problem and the tragedy of the commons.

The free raiders problem occurs when those who benefit from resource or service do not pay for it, which results in an under provision of the resource/service. Particularly it occurs when property rights are not clearly defined and imposed. Whereas, tragedy of the commons is a dilemma arises when individuals act independently and rationally consulting their own self-interest ultimately deplete shared limited environmental resources. Since no one owns the commons, e.g. atmosphere and grazing lands, each individual has an incentive to utilize common resources as much as possible they can. Consequently, environmental pressures and humanitarian emergencies pose great challenges to liberal States, demanding a larger State role in allocating scarce resources, rights, and statuses among competing interests often bearing compelling moral claims. Action to protect the environment involves international agreements to collectively reduce emissions or regulate other activities. These sorts of agreements involve countries giving up short-term advantages for a long-term common benefit and are designed to prevent any one of them free-riding on the actions of others – for example, by continuing to pollute while other countries cut their emissions, thereby reaping the environmental advantages without paying any of the costs.

Second, liberalists affirmatively valorize the privatization of personality, commitment, and activity. Hence, the problem has to do with is the ways in which individuals and their ideas are framed. The preferences and insights of autonomous individuals might originate from impure process, the information they were provided might be biased or meaningless, or their preferences might have arisen from a fit of anger.

Third, as we have seen in the above, individuals have absolute freedom either to actively engage in politics or ignore at all. Deducing from this, the citizens do not only have the right to participate in

the political affairs of their country but also the right not to engage in it and then retreat into their private pursuits if they wish. Needless to say, liberal thought facilitate the pursuit of wealth and the indulgence of material pleasures and thus, as a matter of fact and preference, liberal societies tend to be less egalitarian. This not only leaves less time available for public regarding activities but also diminishes the social prestige. All in all, if many citizens are not willing to devote time or give attention to politics, power will become an instrument of the few rather than of the many, and polity's very survival in a democratic form will be endangered.

Fourth, liberalists justify that inequalities arise out of differences in individual talents, values, and choices – differences, moreover, that the State cannot seek to efface without endangering citizens' liberties. Perhaps the most daunting challenge to liberalism, then, is to reduce inequalities to socially acceptable and politically sustainable from the views of the disadvantageous groups, while at the same time vindicating the liberal commitment to the protection of individual liberties. For several reasons, however, liberalism may actually increase economic and other kinds of inequalities rather than reduce them. The persistence of inequalities among liberal citizens and between them and aliens are bound to engender much social and political unrest and tensions, unless and until the benefits of market-driven economic growth 'trickle down' to the socially disadvantaged. Structurally, as well as ideologically, liberal states make redistributive policies difficult to enact, implement, and legitimate. In a liberal social system, the private sector controls most of the incentive systems that drive and shape individual and group behavior; these systems are largely immune from State control. More fundamentally, liberalism contrives to keep the State weak and permeable to private interests, institutionalizing its endemic fear of state power through political structures and practices that widely disperse and carefully confine the state's influence.

Finally, liberalism posits a State that maintains substantial normative neutrality. In this conception, the liberal State should neither choose among competing visions of the good society nor place its thumb on the scales in other ways, such as redistributive policies, that favor particular visions. It should instead play a far more modest, supplementing role, facilitating individuals' pursuit of their own projects or visions. The issues of how liberal State's role remains modest become a matter of great controversy and of course history has proved impossibility of the State to maintain neutral. Hence scholars in the field devise alternative thoughts to citizenship like republican, communitarian and multicultural approaches to citizenship.

***Class Discussion:***

Discuss with your classmates about the criticisms of the liberal citizenship approach.

### 4.7.2.2. Citizenship in Communitarian Thought

The debate on citizenship as the expression of community revived with the emergence of communitarianism since the 1980s. Charles Taylor, Michael Sandel, Michael Walzer and Alisdair MacIntyre are some among the proponents of communitarianism. Mainly, Taylor's *Sources of the Self* (1989) Walzer's *Spheres of Justice* (1983), Sandel's *Liberalism and the Limits of Justice* (1982) and MacIntyre's *After Virtue* (1981) established the foundations of communitarianism.

Communitarianism is as an approach emphasizes on the importance of society in articulating the good. The communitarian (also known as the nationalist) model argue that the identity of citizens cannot be understood outside the territory in which they live, their culture and traditions, arguing that the basis of its rules and procedures and legal policy is the shared common good. The political subject, above all, belongs to a community, a community to which he/she owes allegiance and commitment. Thus, rather than viewing group practices as the product of individual choices, communitarians view individuals as the product of social practices.

Moreover, communitarians often deny that the interests of communities can be reduced to the interests of their individual members. Privileging individual autonomy is seen as destructive of communities. A healthy community maintains a balance between individual choice and protection of the communal way of life and seeks to limit the extent to which the former can erode the latter. As a result, the good of the community is much above individual rights and citizenship comes from the community identity, enabling people to participate. The State must provide a policy for the common good, according to the way of life of the community. Communitarians examine the ways shared conceptions of the good are formed, transmitted, justified and enforced.

"Whether citizenship as membership of a political community rests on the individual or a prior cultural or moral community is what divides the protagonists, the liberal and communitarian theories of citizenship" (Delanty, 2002: 159). For liberalists, citizenship rests on the individual and it is the individual that determines its aspects, but for Communitarians citizenship is rooted and lies with the people who surround the individual. Communitarianism claims that an individual's sense of identity

is produced only through relations with others in the community that nourish him/her. An individual person cannot escape from the control of his/her culture and thus the self/individuality is culturally constructed, socially-embedded. Describing in another mood, whatever individuality the citizen has is derived from and circumscribed by the community. According to this thought, individual interests, identity, freedom and equality can only be meaningfully practiced and realized through the prioritization of the common good, and once the members of the polity share common virtues and goals.

All in all, the two defining features of communitarian perspective are: first, no individual is entirely self-created; instead the citizen and his/her identity is deeply constructed by the society where he/she is a member. Newcomers such as children and immigrants to a society must assimilate themselves in order to participate in community activities. Only when an individual successfully assimilates can the society achieve its common goals and become effective. Second, as a consequence of assimilation, a meaningful bond is said to occur between the individual person and his/her community. Insofar as an individual understands that what is good for the community is good for him as well, he will also understand that if he does not participate in the community, the common good will be diminished.

Communitarian citizenship thought has been criticized for various reasons. Communitarianism is hostile towards individual rights and autonomy – even that it is authoritarian since it melts the self into the society. A community push people to sacrifice large parts of their individual differences in order to follow shared values. Other critics argue that communities are dominated by power elites or that one group within a community will force others to abide by its values.

Communitarian theorists tend to emphasize the communal construction of social individuals and social formations, and of values and practices. A problem is that these constructive processes themselves need to be analyzed in terms of power - power which can account for when individuals manage to reconstruct their circumstances, when they move from context to context, when they get trapped, when they rest content.

***Group Discussion:***

Discuss, in group, the strong and weak sides of communitarian citizenship approach.

### 4.7.2.3. Citizenship in Republican Thought

Republican citizenship theory put emphasis on both individual and group rights. Means republican though attempts to incorporate the liberal notion of the self-interested individual within the communitarian framework of egalitarian and community belonging. Like communitarian thought, it emphasizes on what bind citizens together in to a particular community. Citizenship should be understood as a common civic identity, shaped by a common public culture. It requires citizens to bring together the facets of their individual lives as best they can and helps them to find unity in the midst of diversity. However, republicans don't pressurize individuals to surrender their particular identities like the communitarian thought. Instead, it is underpinned by a concern with individual obligation to participate in communal affairs. It encourages people to look for the common ground on which they stand, despite their differences, as citizens. At this juncture, an effective balance between toleration and obligation is required. Toleration involves citizens participating politically as advocates of particular interests, with their concern focused on 'fairness between different sections of the community and the pursuit of common ends.

Just like liberal citizenship though, republican school advocate self-government. Yet, republican thought do not agree with the case that all forms of restraints deprive people's freedom. Liberalism, as we have already discussed, advocates absolute freedom of individuals and gives insignificant consideration towards nurturing the public virtues that lead people to do their duties as citizens. In contrast to liberalism, individuals must overcome their personal inclinations and set aside their private interests when necessary to do what is best for the public. Republicans, thus, acknowledge the value of public life. To them, public life draws people out, and it draws them together. It draws out their talents and capacities, and it draws them together into community – into connection and solidarity, and occasionally conflict, with other members of the public.

In view of that, there are two essential elements of the republican citizenship: publicity and self-government. Publicity basically refers to the condition of being open and public. The public is not a mere collection of people but a sphere of life where people joined by common concerns that takes them beyond their private lives. Besides, public affairs such as politics, as the common concern of the public, must be conducted openly in the public for reasons of convenience. In this case, the rule of law and civic virtue are central elements. Politics requires public debate and decisions, which in turn require regular, established procedures – the rule of law is the standard formula for the

republicans. The citizens and governments in a republican State shall not act arbitrary, impulsively, or recklessly but according to the laws of the State.

However, without citizens who are willing to take an active part in the government, a republic State could not survive. True citizenship requires commitment to the common good and active participation in public affairs – civic virtue. Republics must thus engage in what Sandel (1996: 6) calls "a formative politics… that cultivates in citizens the qualities of character that self-government requires". Constitutional safeguards may be necessary to resist corruption in the forms of avarice, ambition, luxury, and idleness, but they will not suffice to sustain freedom under the rule of law in the absence of a significant degree of virtue among the citizens. To say that 'Amare' is a citizen of a republican State, it is to mean that he enjoys the protection of the State's laws and is subject to the laws. It is also to say that, as a citizen, 'Amare' is supposed to be on an equal footing with other citizens. The rule of law thus requires not only active and public-spirited participation in public affairs – the civic virtue of the republican citizen – but also the proper form of government.

Republican citizenship has been criticized by scholars who advocate multicultural and other approaches of citizenship. The first is that the republican conception of citizenship is no longer realistic. Republican citizenship is an irredeemably nostalgic ideal in this age of globalization. To be a citizen, in the republican view, is to be a partner in a common enterprise, and people will be likely to put the common interest ahead of their own – to act as true citizens – only when they feel themselves to be part of such an enterprise. The Internet and satellite television are unlikely to inspire this sense of community on a global basis. The second is that the conception poses a threat to an open, egalitarian, and pluralistic society. This second criticism is put forcefully by Young (1990: 117), who detects a denial of 'difference' in republican attempts because in practice republican politicians enforced homogeneity by excluding from citizenship all those defined as different. To be sure, Young's point is that the search for common ground serves to justify the dominance of a particular – and typically male – group.

The third point concerns the claim that citizenship involves a false ideal of impartiality. Here, the republican response is to deny that the ideal is false. We should indeed strive to think and act, when establishing laws and policies, as members of the public rather than self-interested individuals. But

this does not mean that we cannot take account of the particular needs and interests of the people – even people who 'stand in different social locations' – who compose the polity.

### 4.7.2.4. Multicultural Citizenship

The increasing diversity in States challenges particularly the liberal conceptions of citizenship. The liberal view the rights of the individual as paramount and group identities and rights as inconsistent with and inimical to the rights of the individual. A number of factors have caused scholars to raise inquires about the liberal analysis and expectations for identity groups in democratic States. These factors include the rise of the ethnic revitalization movements demanding recognition of group rights as well as individual rights; the structural exclusion of racial, gender, ethnic, and language groups; and increasing immigration throughout the world that made States multinational and polytechnic. They raise complex and divisive questions about how States can deal effectively with the problem of constructing civic communities that reflect and incorporate the diversity of citizens and yet have an overarching set of shared values, ideals, and goals to which all of the citizens of a State are committed. Consequently, the conception of citizenship in a modern State should be expanded to include cultural rights and group rights within a democratic framework.

There is a need to move towards a new type of multicultural citizenship appropriate to highly diverse societies and contemporary economic trends. Recognition of group difference implies departing from the idea of all citizens as simply equal individuals and instead seeing them simultaneously as having equal rights as individuals and different needs and wants as members of groups with specific characteristics and social situations which is basically the focus of multicultural citizenship discuss four principles of multicultural citizenship which are presented here under.

*i) Taking equality of citizenship rights as a starting point.* It is essential to ensure that all members of society are formally included as citizens, and enjoy equal rights and equality before the law. Just like the liberal perspective, multicultural citizenship concerns with the universal rights of members.

*ii) Recognizing that Formal equality of rights does not necessarily lead to equality of respect, resources, opportunities or welfare.* Formal equality can mask and legitimize disadvantage and discrimination. It is necessary to consciously recognize group difference and to understand its causes. While liberal theorists believe that the universal rights accorded through citizenship safeguard the cultural membership of individuals, theorists within multicultural school of thought envisage the need for additional rights

for vulnerable minority groups, in order for such groups to sustain themselves amidst the dominant culture(s).

*iii) Establishing mechanisms for group representation and participation.* Despite formal equality, disadvantaged groups are often excluded from decision-making processes. It is necessary to make arrangements to ensure the participation of people directly affected, wherever important decisions are made.

*iv) Differential treatment for people with different characteristics, needs and wants.* Liberalists' universal conception of citizenship within a stratified society results in the treatment of some groups as second-class citizens because group rights are not recognized and the principle of equal treatment is strictly applied. Treating people equally, despite the fact that past actions have made them unequal, can perpetuate inequality. Government should take measures to combat barriers based on gender, sexual preference, age, disability, location, Aboriginality, ethnicity, religion, area of origin and culture (Castles, 1999: iii). In this view, multicultural citizenship allows for marginalized voices to be heard. A *differentiated* conception of citizenship is needed to help marginalized groups attain civic equality and recognition in multicultural democratic nations. Society is formed of different groups which are either dominant or oppressed (Young, 1989). This strand of differentiated citizenship therefore concerns the denouncing of universal rights and the provision of special rights for oppressed groups. This suggests a politics for difference and not one geared towards the possibility of integration.

Critics of differentiated citizenship worry that if groups are encouraged by the very terms of citizenship to turn inward and focus on their 'difference' (whether racial, ethnic, religious, sexual, and so on), then the hope of a larger fraternity of all Americans will have to be abandoned. Citizenship will cease to be a device to cultivate a sense of community and a common sense of purpose. Nothing will bind the various groups in society together and prevent the spread of mutual mistrust or conflict.

Critics also worry that differentiated citizenship would create a "politics of grievance." If, as Young implies, only oppressed groups are entitled to differentiated citizenship, this may encourage group leaders to devote their political energy to establishing a perception of disadvantage-rather than working to overcome it-in order to secure their claim to group rights (Kymlicka and Norman, 1994: 372).

***Group Discussion:***

What is the citizenship theory that fits to Ethiopia?

## 4.7.3. Modes/Ways of Acquiring and Loosing Citizenship

Citizenship right was one of the rights guaranteed to individuals by the Universal Declaration of Human Rights adopted in 1948. According to Article 15 of the declaration, "everyone has a right to a nationality" and that "no one shall be arbitrarily deprived of his nationality." Hence, in the following sections we will discuss the ways of acquiring and loosing citizenship.

### 4.7.3.1. Ways of Acquiring Citizenship

Since the grant of citizenship remains within the discretion of the state concerned, the means of acquiring a particular State's citizenship vary from country to country. However, the common ways of acquiring citizenship can be grouped in to two: citizenship by birth and citizenship through naturalization/law.

***i) Citizenship from birth/of Origin***: individuals can get citizenship status of a particular State either because he/she is born in the territorial administration of that or his/her mother and/or father are citizens of the State in question. That is, there are two principles of citizenship from birth commonly known as *Jus Soli* (law/right of the soil) and *Jus Sanguinis* (law/right of blood). Whereas *Jus Soli* is a principle whereby an individual is permitted to obtain citizenship status of a particular State because he/she was born in the territorial administration of that country, *Jus Sanguinis* is a norm where citizenship acquired claiming one's parents citizenship status. However, jus soli could not apply to children born from diplomats and refugees live in a host State. Children born from diplomats in a host State where jus soli is allowed do not have the right to claim citizenship status of the host country because of two special principles (international diplomatic immunities): extraterritoriality and inviolability principles.

***ii) Citizenship by Naturalization/Law***: is the legal process by which foreigners become citizens of another country. The common sub-principles of acquiring citizenship through naturalization are the following. Political case (secession, merger and subjugation), grant on application, marriage, legitimatization/adoption, and reintegration/restoration. Citizenship by political case is a process by which an individual person acquires citizenship of a certain State following the conquest or cession

of a territory. In case a particular territory is merged to or subjugated by another country, people domiciled in that territory would acquire a new citizenship. Besides, in cases of secession option may be given to individuals to choose either country's citizenship. Let us now discuss the remaining ways of acquiring citizenship vis-à-vis to Ethiopia.

### 4.7.3.2. The Modes of Acquiring Ethiopian Citizenship

Before the 1930, there wasn't officially inscribed legal document that deals with citizenship. But in 1930 Ethiopia adopted a legal document named as "*Ethiopian Nationality Law*". Recently, this nationality law has replaced by another legal document called "*Ethiopian Nationality Proclamation NO. 378/2003*" which was adopted in 2003 by the House of People's Representatives. This proclamation is enacted in accordance to article 6 and 33 of the 1995 FDRE constitution and affirmed that a person can acquire Ethiopian citizenship either by birth or naturalization. Now, let's discuss the modes of acquiring Ethiopian citizenship included in the 2003 nationality proclamation.

***1) Acquisition by Descent*:** the 1930 Ethiopian nationality law asserted that "any person born in Ethiopia or abroad, whose father or mother is Ethiopian, is an Ethiopian subject." In its Article 6(1), the 1995 FDRE constitution stated that "any person of either sex shall be an Ethiopian national where both or either parent is Ethiopian." In line with this, Article 3 of the 2003 nationality proclamation ascribed two principles under the acquisition of Ethiopian citizenship by decent. One, "Any person shall be an Ethiopian national by descent where both or either of his/her parent is Ethiopian;" second, "An infant who is found abandoned in Ethiopia shall, unless proved to have a foreign nationality, be deemed to have been born to an Ethiopian parent and shall acquire Ethiopian nationality." According to the proclamation, any person can't acquire Ethiopian citizenship through the principle of *Jus Soli* (law of soil). It means that children born in the territorial administration of Ethiopian do not have the right to acquire Ethiopian citizenship. Birth place of a child is not a requirement to acquire Ethiopian nationality. Wherever a child was born, he/she has the right to attain Ethiopian citizenship if, and only if, he/she is born from an Ethiopian father or mother or both Ethiopian parents.

***2) Acquisition by Law (Naturalization)*:** Article 6(2) of the 1995 FDRE constitution also avers that aliens can get Ethiopian citizenship. Under naturalization, there are various ways of acquiring Ethiopian citizenship in accordance with of the amended Ethiopian nationality proclamation of

2003 recognized by the provisions of Articles 5 to 12 of the 2003 nationality proclamation. These are:

***a) Grant on Application (registration):*** happens when an alien requests a host state to be granted citizenship status of the country in question. However, host countries, including Ethiopia, do not simply grant citizenship status to those who apply unless they fulfill certain requirements. The common ones are applicant's age, length of residence in the host country, criminal conviction, income and moral character. But the criteria vary from country to country. For instance, according to Article 5 of the 2003 Ethiopian nationality proclamation, an applicant shall get Ethiopian nationality if, and only if, he/she (1) reach the age of majority, 18 years; (2) lived in Ethiopia for a total of at least four years; (3) has sufficient and lawful source of income (economically self-reliant); (4) is able to communicate in any of the indigenous languages spoken in Ethiopia; (5) has a good character; (6) has not recorded criminal conviction; (7) has been released from his/her previous nationality or the possibility of obtaining such a release upon the acquisition of Ethiopian nationality or that he/she is a stateless person; and (8) takes the oath of allegiance indicated in Article 12 of the proclamation*:* "*I-----, solemnly affirm that I will be a loyal national of the federal democratic republic of Ethiopia and be faithful to its constitution*".

***b) Cases of Marriage:*** an alien who is married to an Ethiopian citizen have the possibility of acquiring Ethiopian citizenship. Yet, there are certain preconditions set in Article 6 of the proclamation in which the marriage and the alien married to an Ethiopian citizen must fulfill just to allow the foreigner acquire Ethiopian nationality by law. One, the marriage shall be thru in accordance with the laws of Ethiopia or the State where the marriage is contracted; second, the marriage shall lapse at least for two years; third, the alien married to an Ethiopian citizen have to live in Ethiopian for at least one year preceding the submission of the application; and fourth, the alien have to reach the age of majority, be a morally good person, and lastly take the oath of allegiance stated under Article 12 of the proclamation.

***c) Cases of Adoption (Legitimating):*** this process whereby an illegitimate child get citizenship status of his/her caretaker's nationality. In this case, Article 7 of the nationality proclamation asserts that a child adopted by and grown under the caretaker of Ethiopian citizen has the right to acquire Ethiopian citizenship. But, the child could get Ethiopian citizenship if the adopted child has not

attained the age of majority; lives in Ethiopia together with his/her adopting parent; and has been released from his/her previous nationality or the possibility of obtaining such a release upon the acquisition of Ethiopian nationality or that he/she is a stateless person. However, where one of his/her adopting parents is a foreigner, in writing, such a parent has to express his/her agreement that his/her adopted child gain Ethiopian nationality.

***d) Citizenship by Special Cases:*** as it is labeled in Article 8, an alien who has made an outstanding contribution in the interest of Ethiopia may be conferred with Ethiopian nationality by law without undergoing the pre-conditions stated in Article 5 (sub-articles 2 and 3) of the 2003 Ethiopian nationality proclamation. That is, he/she is not required to live in Ethiopia for a total of four years and may lack the ability to communicate in any of the languages spoken in Ethiopia.

***e) Re-Admission to Ethiopian Nationality (Reintegration/Restoration):*** this is a process by which a person acquires his/her lost citizenship. The 2003 Ethiopian nationality proclamation acknowledges this principle in its Article 22. That is, a person who has lost Ethiopian citizenship status may get back Ethiopian nationality. However, there are requirements in which the person is expected to fulfill. In this case, the person could be readmitted to Ethiopian nationality if he/she applies to the Security, Immigration and Refugee Affairs Authority for re-admission. In addition, he/she has to return and domiciled in Ethiopia and renounces his foreign nationality to get back Ethiopian nationality.

***Examining and Deciding upon an Application to acquire Ethiopian Citizenship***

An application to obtain Ethiopian nationality by law shall be accompanied with relevant documents and shall be submitted to the Security, Immigration and Refugee Affairs Authority (Article 10 of the proclamation). Then, the application shall be examined by the Nationality Affairs Committee (Article 11 and 23 of the proclamation), a committee comprises five members, namely; (i) a representative of the Security, Immigration and Refugee Affairs Authority (chairperson); (ii) a representative of the Ministry of Foreign Affairs (member); (iii) a representative of the Ministry of Justice (member); (iv) a representative of the Federal Police Commission (member); and (v) a representative of the Authority (member and secretary). The Committee has to submit its recommendation to the Security, Immigration and Refugee Affairs Authority. If the committee's recommendation got approval of the Authority, the applicant shall take the oath of allegiance (*see*

*article 12 of the proclamation*) in front of the committee. Lastly, the applicant confers with a certificate of naturalization and become legally an Ethiopian national.

***Class Discussion:***

Do you think that a person could acquire more than one country's citizenship? Discuss with your classmates the possibility of acquiring dual/multiple citizenship.

### 4.7.3.3. Dual Citizenship

Dual citizenship is the condition of being a citizen of two nations. Of course, a person may acquire more than two States which is called multiple citizenship. Duality/multiplicity arises because of the clash among the *Jus Soli*, *Jus Sanguin*i and naturalization. For example, a baby born to a French family visiting the United States would acquire U.S. citizenship by *Jus Soli* and French citizenship by *Jus Sanguinis*. A child born from a mother and father of two different countries could acquire dual citizenship through decent. Besides, on the one hand, a State may allow its naturalized citizens to keep their original citizenship, an on the other, a State may refuse its citizen to revoke his/her citizenship for various reasons which are cause for dual/multiple citizenship. People who declared that they no longer were citizens of such a country and became naturalized in another still would be claimed as citizens by the original nation.

Today just under half of all African countries still prohibit dual citizenship on paper—though in many cases the rules are not enforced, so that a citizen can acquire another citizenship without facing adverse consequences in practice. Ethiopia prohibits its citizens to have dual citizenship. Article 20(1) of the 2003 nationality proclamation assert that "any Ethiopian who voluntarily acquires another nationality shall be deemed to have voluntarily renounced his Ethiopian nationality." However, a person who retains another country's citizenship or voluntary renounces his Ethiopian nationality may not be allowed to release his/her Ethiopian citizenship if he/she hasn't discharged his/her outstanding national obligations and/or has been acquitted or served the penalty for the crime he/she accused of or convicted (see Article 19(4) of the 2003 Ethiopian nationality proclamation). Therefore, under this condition which is called indelible allegiance, the person would remain dual/multiple citizen, an Ethiopian and the country he/she acquires citizenship through law (see also Article 20(4) of the 2003 nationality proclamation).

## 4.7.4. Ways of Loosing Citizenship

Citizenship can be lost when a State provides for lapse or withdrawal of citizenship under certain conditions, or when a citizen voluntary renounces it. The primary rational for loss of citizenship is the absence of a genuine link with the state. Many citizenship laws also provide for loss if there has been fraud in the course of acquiring citizenship. Some States have provisions for depriving people of citizenship in cases where their behavior is considered to demonstrate disloyalty towards the state.

One can imagine a number of reasons why a nation might want to terminate citizenship of individuals. Aleinik off put denationalization grounds into three categories: allegiance, punishment, and public order. One may lose a country's citizenship when he/she demonstrates a lack of allegiance which could be explained through what we called active disloyalty (for example, treason) or simply no loyalty at all (apathy or unconcern about the fate of the nation). Citizenship is related with enjoying rights in one nation. However, a country may seek to deny such benefits to people it believes are unworthy of enjoying them. Denationalization, on this account, may be justified as punishment. For example, the U.S. Congress has enacted several denationalization grounds that fall within this category, such as violation of laws against subversion, draft evasion, and desertion from the armed forces in time of war. Also, the time that a citizen deemed to be a threat to public order, dangerous to national security or who embroil the state in foreign controversies, the State may denationalize the person. Generally, the commonly discussed ways of losing citizenship are deprivation, renunciation, lapse/expiration and substitution.

**Deprivation** is an involuntary loss of citizenship which arises while government authorities or court take a decision to nullify an individual's citizenship. It is on the assumption that the burden of justification for the loss of citizenship of an individual lies on the state**.** The citizen may be deprived of his/her citizenship for reasons of uncovering national secrets, non-compliance with citizenship duties (duty of loyalty), loss of genuine link with his/her state, flawed acquisition of citizenship, promising loyalty to and/or serving in armed force of another country, trying to overthrow the government by force, seriously prejudicial behavior, and becoming naturalized in another country. But, the 1995 FDRE constitution asserts that "no Ethiopian national shall be deprived of his or her Ethiopian nationality against his or her will." Similarly, in its Article 17, the 2003 Ethiopian nationality proclamation prohibits the possibility of losing Ethiopian nationality through deprivation.

**Lapse/expiration** is another way of losing citizenship which is not applicable to Ethiopia. Lapse is a mode whereby a person loses his/her citizenship because of his/her permanent residence or long term residence abroad beyond the number of years permitted by the country in question. For example, if an Indian citizen stays outside his/her country continuously for more than seven years, he/she automatically loses his/her Indian nationality by the principle of lapse.

**Renunciation** is the voluntary way of losing citizenship. The UDHR (1948) guarantees the right of a person to change his/her nationality. Loss of citizenship is voluntary only if it is intended and initiated by the individual concerned. An Ethiopian national has the full right to renounce his/her Ethiopian nationality if he/she wishes according to Article 33(3) of the FDRE constitution and Article 19 of the 2003 Ethiopian nationality proclamations. However, the person who has renounced a country's nationality may not be actually released from that status until he/she has discharged his/her obligations towards that particular State or accused of a crime. This situation is called indelible allegiance. According to Article 19(4) of the 2003 Nationality Proclamation, an Ethiopian who has declared to renounce Ethiopian nationality may not be released until: (i) the citizen has discharged his/her outstanding national obligations or until he/she has served the penalty for the crime he/she has accused of or convicted.

**Substitution:** citizenship may be lost when the original citizenship is substituted by another state, where it is acquired through naturalization. On the other side, this may also take place when a particular territory is annexed by another state; the inhabitants' citizenship within the annexed territory will be replaced by the citizenship of the subjugator. Generally, an Ethiopian citizen can lose his/her Ethiopian nationality through renunciation and upon acquisition of other country's nationality stipulated in article 19 and 20 of the 2003 nationality proclamation, respectively.

### 4.7.4.1. Statelessness

Statelessness is the condition of having citizenship of any country and with no government from which to ask protection. According to the international law, stateless person is a person who is not considered as a national by any state under the operation of its law. Statelessness almost always results when state failure leads people to flee – be it due to invasion and conquest by another state, civil war, famine, or an oppressive regime – from their home country. Individuals could also become stateless persons because of deprivation and when renouncing their citizenship without gaining

nationality in another State. Some people become stateless as a result of government action. To settle such conditions, the UN has adopted a convention on the protection and reduction of stateless persons.

## Chapter Summary

The chapter tries to present the basic notions of state, government and citizenship. An effort has been made to clearly show the relationship among the concepts of state, government and citizenship. State is an institutions created to ease the complex relationships and interactions among individuals and groups. There are various theories and perspectives on the structure and purpose/role of the state in collective life. Government is the administrative wind of that institution which is empowered to take care of the business of the state. Citizenship refers to the rules regulating the legal/formal relation between the State and the individual with respect to the acquisition and loss of a given country's nationality. However, from political and social perspectives and at a substantive level, citizenship is beyond a legal status and seen as a practice, as active participation in affairs of the state for the good of the wider community. For this reason, citizenship is frequently described as a contested concept which has had different meanings depending on the historical legacies, political organization of the State, ideologies and socio-cultural context of societies. Citizenship status, however, is not only restricted to individual persons.

## Self-Check Exercise

**Essay**

1. Describe the state in your own words very briefly.
2. Discuss the difference and similarity between the state and government.
3. Explain the core arguments of the capitalist state theory.
4. Discuss the differences between communitarian and republican citizenship theory.
5. Explain some of the criticisms of liberal citizenship theory.
6. Define the multicultural citizenship thought and discuss some of its features.
7. List and discuss the ways of acquiring citizenship thorough naturalization.
8. Discuss the requirements where a foreigner is expected to fulfill in order to acquire Ethiopian citizenship through application.

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# Chapter Five: Constitution, Democracy and Human Rights

## 5.1. Chapter Introduction

This chapter presents the core meanings and notions of human rights, constitution and democracy. In doing so, the main theoretical arguments, scholastic debates and interpretations will be provided under these topics sandwiched with practical examples from our country and beyond.

## 5.2. Chapter Objectives

After the successful completion of this chapter, students will be able to:

- Recognize the definitions of Human Rights, constitution and democracy.
- Be aware of the nature and characteristics of Human Rights.
- Be familiar with the classifications and categories of Human Rights.
- Differentiate constitution from constitutionalism.
- Examine the classifications of constitution.
- Identify the roles of the actors of democratization.
- Learn about evolution and development of Human Rights and Democracy.
- Understand the central values and principles of democracy.

## 5.3. Constitution and Constitutionalism

***Class Discussion:***

*Dear students, how do you define the term constitution?*

### 5.3.1. Conceptualizing Constitution

The word 'constitution' is used mainly in many senses-constitution of a body, constitution of trade union, constitution of political party etc. In a political sense, it signifies the constitution of the state. Now the term has attained a normative connotation and has become another term for a 'democratic political order.' Every state must have constitution of its own and that its government must be

organised and conducted according to the rules of the constitution so that the people must have a rule of law, it constitutes the case of constitutionalism.

Constitution is figuratively defined as the fundamental or basic law of a state which sets out the structure of the state and also lists the rights of citizens alongside the limits on the power exercise of a government. It is a blue print placed on top the hierarchy of laws on constitutional governments. A constitution may be said to be a collection of principles according to which the powers of the government, the rights of the governed, and the relation between the two are adjusted.

In other words, constitution refers to body of rules and laws, (written or unwritten) that determine the organization of government and the distribution of powers and functions to various organs of government, regulate the relationship among themselves and also between the state and its individuals through general principles on which these powers are to be exercised. Constitution is the mothers of all laws; all other ordinary laws are derived from and subjected to this blue print. Hence, since constitution is supreme law of a land, any other law contradicted with the provisions of the constitution becomes void or invalid.

## 5.3.2. Peculiar Features of Constitution

**Class Discussion:**

*How constitution is similar or different from other laws?*

With a few exceptions, all constitutions contain some common elements. From Magna Carta of 1215 to today, constitutional documents and traditions take the general form of a contract or an agreement between the ruled and the rulers. Limitations on the rulers are exacted by the ruled in exchange for allowing the rulers to preserve some elements of their right to govern and for preserving the stability of the governing system itself.

In addition, constitution has distinctive features that distinguish it from any other laws. The following are some of the distinctive features of a constitution.

**A. Generality**: a constitution provides the general principle of a state and carry on foundation and sets out general framework of the law and the government. As other laws provide the details of the subject for which they are created, Constitutional principles are guidelines for others laws. In other

words, constitutional law announces principles while other laws apply or implement what the constitution announce their respective spheres of fields. It builds substantial foundation and basis and general framework of the law and government.

All other laws provide the details of the subject which they treat. Of course, the degree of generality of laws may depend on other factors like hierarchy of laws. But constitution is always the most general in the sense, short and brief. The general set up of the government and its functions in all spheres, including political, economic, legal, etc is by the constitution. The generality is very important because it give the constitution a feature of elasticity through interpretation thereby to accommodate various questions.

**B. Permanency**: unlike laws constitution is made for undefined period of time. That means constitution serve for a long lap of ages. It is purposely made to be stable and permanent. It is made to be stable, i.e., not to be worked upon by the temper of the times or to rise or fall with the occasional events. On the contrary, other laws are tentative, occasional and in the nature of temporary existence.

**C. Supremacy**: Constitutions are laws about the political procedures to be followed in making laws. They are supreme laws, taking precedence over all others, and defining how all the others should be made. As a mother of law, it is original law by which the system of government is created, and to which the branches of government must look for all their powers and authority. It is original because it is directly made by the people as the direct expression of the will of the people. All other laws are secondary or derivate being commands of representatives of the sovereign.

**D. Codified document:** Constitutions are written down; often in a single document that presents the constitution in a systematic manner. The constitutions are not intended to be perfect is evidenced by expressly stated processes for revising or amending them. Constitutional change by means of an orderly procedure is far preferable to overthrowing a government by force whenever a country's constitution has fallen out of favour with a majority of its people.

**E. Allocation of powers:** Constitutions outline the proper relations between institutions and offices of the state, and between government and citizens. This is probably the most crucial part because it

allocates powers and functions to government and specifies the rights and duties of governments and citizens-who can do what, to whom, and under what circumstances.

## 5.3.3. Major Purposes and Functions of Constitution

**Brainstorming question:**

*What do you think are the basic purposes and functions of constitution?*

The existence of a constitution in a country is not an end in itself since the constitution is a means for further prominent purposes. Hence, the following are some of the major purposes and functions of constitution.

1. **It serves as a framework for Government:** This means that the constitution of state is a plan for organizing the operation of government which in turn effectively guides the functions and powers of the executive, legislative and judicial bodies of government. In other words, it is a brief and a general outline of duties and rights of governments and also that of citizens.

2. **It Limits the Powers of Government:** In a constitutionally limited government, officials are always abided by the constitution. i.e there is no decision or action that will be undertaken arbitrarily and spontaneously rather every decision, act, or behavior is entertained according to rules and laws that originate from the constitution. This subjection to the laws and rules from the part of the government and the governed (the people) is coined as the rule of law. However**,** Constitutional government protects the rights and a freedom of citizens doesn't mean that the government has no authority to effectively exercise its functions. A constitutional Government is neither too powerful nor too weak because if a government is excessively powerful, i.e. if it has unlimited powers, it tends to abuse the rights and freedoms of citizens. If, on the other hand, a government is too weak it can't protect citizens. Therefore, constitutions shall grant Governments enough powers to effectively and consistently undertake their functions and responsibilities but at the same time must put limits on their powers to make sure that they are not in a position to endanger the rights and freedoms of citizens.

3. **It protects individual and collective rights of citizens:** To protect the individual and collective rights and freedoms of people, the constitution of a state lay down the relationship between the state and the individual by making out the respective spheres of government on the one hand, and the individual and collective rights and freedoms on the other.

4. **It serves as the Supreme (Highest) Law of a Country:** this implies that Constitution is the source of and supreme over all laws in a country. i.e. No specific law will be valid if it contradicts the constitution. All laws in a country are made to fulfil the objectives and goals clearly specified in a constitution of a given country. Because of this, the constitution of state is referred to as "the law behind other laws or "the Mother of all laws" of a country.

5. **It provides Government legitimacy/stability:** as it formalize and regulate relationships between political bodies and citizens and also provide mechanisms through which any potential conflicts can be adjudicated and resolved, constitution usually provide the vital function of introducing a measure of stability, order, and predictability of government. This in turn gives governments a legitimate/legal right to rule or govern and by doing so it serves as the weapon for legitimizing regimes.

6. **Constitution Blue Prints for establishing Values and Goals:** In a constitution there is also an ideological aspect of constitution making where the people truly aspired for it. In such a situation, it would be a common belief of the constituent, or at least, their leaders, what the envisioned state should be geared towards providing the people either as citizens or as members of any organization**.** This sort of positive declaration also usually has a way of offering bearing to the operation of the constitution as well as affording the subjects the parameter for assessing them. It, therefore, seeks to invest for unifying political values. As such, the fundamental aims (objectives) and principles are described or accomplished explicitly in preambles to constitutional documents, which often function as statements of national ideals and values. For instance, the **preamble** of the FDRE Constitution stated that:

*We, the Nations, Nationalities and Peoples of Ethiopia:*
*Strongly committed, in full and free exercise of our right to self-determination, to building a political community founded on the rule of law and capable of ensuring a lasting peace, guaranteeing a democratic order, and advancing our economic and social development;*
*Firmly convinced that the fulfillment of this objective requires full respect of individual and people's fundamental freedoms and rights, to live together on the basis of equality and without any sexual, religious or cultural discrimination;*

*Further convinced that by continuing to live with our rich and proud cultural legacies in territories we have long inhabited, have, through continuous interaction on various levels and forms of life, built up common interest and have also contributed to the emergence of a common outlook;*

*Fully cognizant that our common destiny can best be served by rectifying historically unjust relationships and by further promoting our shared interests;*

*Convinced that to live as one economic community is necessary in order to create sustainable and mutually supportive conditions for ensuring respect for our rights and freedoms and for the collective promotion of our interests;*

*Determined to consolidate, as a lasting legacy, the peace and the prospect of a democratic order which our struggles and sacrifices have brought about;*

*Have therefore adopted, on 8 December 1994 this constitution through representatives we have duly elected for this purpose as an instrument that binds us in a mutual commitment to fulfill the objectives and the principles set forth above.*

## 5.3.4. Classification of Constitutions

**Brainstorming question:**

*Can you mention different types of constitutions?*

Constitutions are classified into different categories using different criteria. For instance, taking the criteria, form, amendment procedure and degree of implementation/practice, constitutions can be classified into the following categories.

### A. Constitution based on form

Constitutions, in view of the breadth of written provisions, have been described as written and unwritten constitutions. Or based on form/appearance constitutions can be classified as written and unwritten.

#### 1. Written Constitution

In simple terms, a written constitution is one whose provisions are written in detail. A written constitution is one in which most of the provisions are embodied in a single formal written instrument or instruments. It is a work of a conscious art and the result of deliberate effort to lay down a body of fundamental principles under which a government is organised and conducted.

Thus, written constitution is a formal document that defines the nature of the constitutional settlement, the rules that govern the political system and the rights of citizens and governments in a codified form. It exists in a single document containing the fundamental laws and principles specifying the rights of citizens, defines the political structure of a state and determines the distribution of government powers; it serves as a supreme law of the state. For example, India, Kenya, Ethiopia, USA, Germany, Brazil, Indonesia, Jordan, Venezuela and Nigeria have written form of constitution. Written constitution has certain merits and demerits.

**Merits of Written Constitution**

- It is easily accessible to citizens that enable them to monitor the behavior of their government thus preventing the emergency of dictatorship
- Citizens can easily learn about their rights and duties and the basic laws governing the patterns of political processes of their nation
- It is full of clarity and definiteness because the provisions are written in detail.
- It has the quality of stability, since people know the nature of constitutional provisions , they feel a sense of satisfaction

**Demerits of written constitution**

- It creates a situation of rigidity. Since all important rules are on writing, attempts are made to act according to rules. It leads to the development of a conservative attitude.
- It becomes difficult to change it easily quickly as per the requirements of time. As such the possibilities of mass upheaval are increased.
- A written constitution becomes a play thing in the hands of the lawyers and the courts. Different interpretations come up from time to time that unsettle the judicial thought of the country.
- Written constitution is not easily adapted to a new situation or changing circumstances. It needs be continuously amended to be adapted to a new situation

**2. Unwritten Constitution**

Unwritten constitution is basically means that the fundamental principles and powers of the government are not written down in any single document. An unwritten constitution is one whose

written provisions are very brief and most of the rules of the constitution exist in the form of usages and customs. It consists of customs, conventions, traditions, and some written laws bearing different dates. The British constitution is the best example of unwritten constitution. The most of the prescriptions of an unwritten constitution have never been reduced to writing and formally embodied in a document. It is made up, largely of customs and judicial decisions.

**Merits of Unwritten Constitution**

- It has the quality of elasticity and adaptability. Since, most of the rules are in an unwritten form, people may adapt them in response to the new constitution.
- It is so dynamic that it prevents the chances of popular uprisings.
- Unwritten constitution can absorb and also recover from shocks that may destroy a written constitution. It looks like a natural outgrowth of a national life.

**Demerits of Unwritten Constitution**

- Since it is not compiled in to a single document, it is not easily accessible to the public to determine which aspects of the constitution are violated and when it is violated
- It is difficult to create awareness through education on the fundamental constitutional rights and duties of citizens because it is not easily accessible to citizens
- It leads to situations of instability. The provisions of such a constitution may change the spur of the moment and so they are always in a state of flux as per the emotions, passions and fancies of the people.
- It leads to the state of confusion. Controversies often arise over different provisions of the constitution having their place in the usages and customs of the country.
- Unwritten constitution may be suitable to a monarchical or aristocratic system. It certainly does not suit a democracy where people are always conscious and suspicious of constitutional provisions

**B. Constitution based on complexity of amending process**

On the basis of the distinction in the process of amendment, constitutions may be classified as rigid and flexible.

**1. Rigid Constitution**

Here, the process of amendment is difficult. A special procedure is followed to make a change in any rule of the constitution. A constitutional amendment bill must be passed by the parliament by special majority. Then it is to be approved either by the provincial units or by the people in a referendum or both. Thus, rigid constitution is one that does not adapt itself to changing circumstances immediately and quickly or simply one whose amendment procedures are relatively complex or difficult. A more difficult procedure of constitutional amendment is the one which requires a national referendum. A referendum is the process of direct voting by citizens to support or rejects at constitutional amendment or other major national issues. Those countries like USA, Australia, Denmark and Switzerland are known to have rigid constitutions.

**2. Flexible Constitution**

Flexible constitution is the constitution which set up simple amendment procedure and there is as such no special required procedure for amending a constitution. The simplest and commonest amendment procedure is the one which requires an absolute majority (two thirds support) in the parliament. If it is very simple and convenient, the constitution is flexible. Any new law made by the parliament gives a new rule to the constitution. Flexible constitution is one that adapts easily and immediately to changing circumstances or simply one whose amendment procedures are relatively simple. For instance, constitutions, such as those of the United Kingdom and New Zealand, may be altered by a simple majority vote in the legislature.

**C. Constitution based on degree of practice**

On the basis of the degree to which constitution of state observed in practice, or on the basis of the relationship between constitutional rules and laws and principles, on the one hand, and the practice of the government (the workings) of the constitution, on the other hand, we can have effective and Nominal Constitution of State.

1. **Effective Constitution:** Effective constitution denotes to a situation in which government/citizens practices correspond to the provisions of the constitution. Thus, an effective constitution of state requires not merely the existence of constitutional rules and laws

but also the capacity of those rules and laws to constrain or limit government behavior and activities, and establish Constitutionalism.

2. **Nominal constitution:** the constitution accurately describes government'/citizens' limits yet in practice either or both fail to behave accordingly. In short when the constitution only remains to have paper value or when there is absence of constitutionalism. This is a constitution of state that shows the texts, principles, rules and laws that may accurately describe the government behavior but fail to limit government behavior and activities in practice. Therefore, a nominal Constitution is not observed in practice but in form.

**D. Based on the kind of state structure**

Constitutions either concentrate powers at the centre or distribute it among the different branches and levels of government. Such a constitution is called unitary and federal constitution respectively. This classification of constitution is based on the kind of state structure made by the constitution. In this regard, it can be classified as federal or unitary.

1. **Federal Constitution:** Federal constitution is one that distributes power among the different units of a state administration. But the model that is followed by constitutions in distributing state power differs from each other. Some constitutions purely classify and decentralize power between the central government and regional/local units and such constitutions are referred as federal constitutions. In many states, for example, the United States of America, Canada, Australia and Malaysia, there exists a division of powers between central government and the individual states or provinces which make up the federation. The powers divided between the federal government and states or provinces will be clearly set down in the constituent document.

2. **Unitary Constitution:** On the other hand, in unitary constitution state power is concentrated in the hands of the central government. And the central government can establish or abolish the lower levels of government; determine their composition, and their power and functions. In this case the local government has no guarantee for their existence. Powers and responsibilities are delegated to them by the central government. The constitution of the unitary state presents a very different arrangement from constitution of federal state outlined above.

## 5.4. Constitutionalism

**Class Discussion:**

*What do you think are the differences between constitution and constitutionalism?*

Constitutionalism refers to a doctrine that governments should be faithful to their constitutions because the rules and laws so provided are all that can protect citizens' rights from arbitrary actions and decisions of the government. It is being subject to limitations and that citizens and governments operate in accordance with the general rules and laws rather than arbitrary. This is because the rules and laws so provided are all that can protect citizens' rights from arbitrary actions and decisions of the government. In other words, constitutionalism is the belief that constitution is the best arrangement of affairs in a society. Hence, the essential elements for constitutionalism are constitution and its effective implementation.

Constitutionalism, desires a political order in which the powers of the government are limited. It is another name for the concept of a limited and civilised government. There exists no government in the world that may not be called constitutional, though such a government hardly exists in a country under a totalitarian rule where the constitution is seen with 'contempt'. Because of this, it is only in a democratic country that a constitutional government can be said to exist. A form of government can only be classified as constitutional when the rulers are subject to a body of rules and principles, which limits the exercise of their power. Thus, constitutionalism does not merely require the existence of constitution. This is because, constitutionalism checks whether the act of government is legitimate and whether officials conduct their public duties in accordance with laws pre-determined in advance.

## 5.5. The Constitutional Experience of Ethiopia: Pre and Post 1931

### 5.5.1. Traditional Constitution (Pre- 1931)

Ethiopia has a very little experience with a written constitution in spite of its long history of state formation. For this reason, the first written form of constitution promulgated in Ethiopia in 1931. But before that the country has a far back constitutional history of unwritten form. Such lack of

written constitution does not necessarily implicate the total absence of constitutional rules and principles in the legal history of the country.

Beginning in the 13th Century until the early 20th Century the Ethiopian Orthodox Church was the chief legitimator of monarchical rule. However, the rights and obligations of the Crown and its subjects were not spelled out in a written secular constitution. Instead, there was developed by monks of the Church an elaborate set of codes rooted in an Ethiopian national epic. Despite the fact of existence of constitutionally significant documents in traditional Ethiopia, no written constitution in the modern sense formed the basis for the constitutional process. Thus, documents like the *Kebra Nagast,* the *Fatha Nagast* and *serate mengest* from the 13th Century until the early 20th Century were the precursors to the formal written Ethiopian national constitutions of the modern era.

**Fetha Negest**

The Fetha Negest (The Law of Kings) was a religious and secular legal provision than being a definite constitution. Law of the Kings, is a collection of laws which in use in Christian Ethiopia for many centuries. It was originally written in Arabic by the Coptic Egyptian writer Abu-l Fada'il Ibn al-Assal (commonly known as Ibn al-Assal) when Cyril III was the Patriarch of Alexandria (1235-1243). It was designed by monks in the Church the same time Kebre Negest penned. It set out the laws and regulations that were used to govern all activities of the Ethiopia society in the late middle age. It was used as the sources of constitutional, civil, and criminal laws. It was compiled from the Old Testament, the New Testament, and the Roman law. It serves as both religious laws and legal provisions of state. It was fundamental laws upon which the government and the administration were based and the king vested with absolute power. The throne was hereditary, the king was thought to be appointed divinely, that is derives his power directly from God. It contains the idea of divine rights of kings with the assumption that rules have a God given power.

**Kibre Negest**

Kibre Negest was another traditional document that has constitutional relevance. Literally, Kibre Negest means glory of king. The *Kebra Nagast* (The Glory of Kings) was written to document for the first time the mythical origins of the royal house. This document was written by six Tigrean clerics and completed in the early 14th Century. It was the most important traditional document that even

defined who should become king in Ethiopia i.e., it determine the succession of the throne in Ethiopia. It was the principal sources of legitimacy for the kings. This document takes the Ethiopian history back to the Solomonic dynasty, where the queen of Sheba made romantic tripe to King Solomon of Israel and gave birth to the first Ethiopia king Menelik I. Based on this the document determined that any king in Ethiopia must descend from the Solomonic dynasty or must have such blood relationship with the dynasty.

**Ser'ate Mengist**

Ser'ate Mengist was another traditional document that had been used as constitution by the traditional rulers before 1931.The *ser'ate Mengist* was one of the traditional documents of the nineteenth century that provided certain administrative protocol and directives in the 19th century. The Ser'ate Mengist can hardly be considered to be a document of Constitutional Law in its widest sense. Nonetheless, as it is the first document known to have been used for allocating power among the Crown, its dignitaries and the Church, by means of "... a protocol of ceremonies which had to be consulted whenever occasions required it…" and tried to lay out a pattern of succession to power, though the problem of primogeniture was more theoretical than practical as incessant rivalries among members of the royal house intermittently switched lines.

## 5.5.2. The 1931 First Written Constitution

It is often said that the key sources of legitimacy in Ethiopia's past were force (conquest, military expansion), religion (i.e. Orthodox Christianity), and tradition (i.e. 'right' genealogy). This is also in line with the official titles of the supposedly "Solomonic" Ethiopian Emperors which, roughly, are as follows; "Conquering Lion [marking might, or force] of the Tribe of Judah [marking genealogy and tradition], Elect of God [marking the vital importance of religious anointing to qualify for the throne], ... [the name], King of Kings, Emperor of Ethiopia." Hence, these indicate the importance of genealogy and tradition in Ethiopian past constitutional experience. With promulgation of first written form of constitution on July16, 1931 by Emperor Haile Selassie, the era of unwritten form of constitution came to an end. The constitution reinforced the traditional position of the emperor as '*Siyume Egziabiher, Niguse Negast Za Ethiopia*' which literally means: Elect of God, King of Kings of Ethiopia' but on the other marked the end of the role of the nobility or at least the gradual reduction

of their role in local leadership, the traditional check against the power of the king of kings, to insignificance.

It is believed that both internal and external factors forced the development of the 1931 constitution. Externally, the introduction of the 1931 constitution was the result of the growing interaction between Ethiopia and the external world, particularly the western European countries. Emperor Haile Silassie developed strong aspiration to view Ethiopia as a modern state to the rest of the world. Yet, it is important to note that Haile Selassie was crowned with full support of the pre-war modern elite with a mission of Japanizing Ethiopia. The Meiji Constitution of Japan was conceived as a benevolent gift of the Emperor of Japan to his people. The emperor embodied the state itself and was the source and repository of all state power. The emperor had to convince the world that his country was modernizing and taking her place among the civilized states. A few years before that it became a member of League of Nations, over some nations' objection that it was not "civilized enough" to join the club of civilized nations. The constitution unequivocally declared that the sole basis of legitimate authority was the emperor, and that all titles and appointments descended from him. For instance, Article 6 of the constitution declares that: In the Ethiopian Empire supreme power rests in hands of the emperor. He ensures the exercise thereof in conformity with the established law. Ethiopia was in need of reflecting a different picture of its own to the rest of the world, that it is no more a back ward state. However, the 1931 constitution was failed to achieve external goals as intended by the emperor.

Internally, the 1931 constitution was intended to provide a legal framework for the suppression of the powerful traditional nobilities to the emperor. The emperor has a deep interest of centralizing the state power in the internal politics of the country. This was effectively done by absolutist nature of the constitution. It was designed to unify and centralize all state power in the hands of the monarch. This also marked the beginning of the culmination of the struggle for centralization, which began with the attempt at unification by emperors during the 19$^{th}$ century and reached its consolidation under the absolutist rule of Emperor Haile Selassie to be further reinforced by the military. The consequence was the alienation of the bulk of the regional actors leading to the center-periphery polemics.

## 5.5.3. The Revised Constitution of 1955

**Class Discussion:**

*Can you reason out the bases for the revision of the 1931 constitution?*

Ethiopian politics were profoundly affected by World War II and its aftermath. The emperor had been driven into exile when beginning in 1935 the Italian Fascists occupied the country for just over five years. During this period both the Ethiopian Orthodox Church and the traditional aristocracy were severely weakened. In fact, in the process of resisting the Italian occupation, virtually a whole generation of young Ethiopian intellectuals was wiped out. When the emperor was restored to the throne by the British in 1941, he used their military and administrative assistance to bolster his own authority against what was left of the Church leadership and the traditional aristocracy. At the same time, the world had also been profoundly changed by the War. Ethiopia found itself needing to establish itself as a legitimate player in the world community of states. Moreover, it was surrounded by African colonies which were rapidly gaining their independence and left by the departing colonialists with varying forms of democratic institutions. This trend led to pressures for reform on the Imperial Crown from younger Ethiopians.

In this situation, after quarter of a century, the 1931 constitution was revised and replaced by the revised constitution of 1955. There were constellations of social and political events that urged the revision of the 1931 constitution. The revision of the 1931 constitution was urged by both internal and external factors. The Revised Constitution continued to reinforce the process of centralization. The sketchy provisions regarding the powers and prerogatives of the Emperor were extensively elaborated in the new Constitution. The Constitution spent one chapter settling the issue of succession on the rule of male primogeniture. Detailed provisions vested in the Emperor wide powers over the military, foreign affairs, local administration and so forth. Interestingly enough it also contained an elaborate regime of civil and political rights for the subjects. In theory, the Constitution was the supreme law of the land governing even the Emperor. It contemplated even an independent ministerial government responsible to the monarch and parliament, an elected chamber and independent judiciary but these liberal provisions were overshadowed by executive prerogatives reserved to the Emperor who exercised them expansively. Despite the apparent inclusion of the notion of separation of powers, little change was introduced regarding the position of the Emperor.

He was both the head of state and of the government and he continued to oversee the judiciary through his *Chilot* (Crown Court).

Fourteen years after the end of a five year colonial suppression by the Italians in 1941, a revised constitution was embraced in the Ethiopian legal system in 1955. It was revised because of internal and external factors mainly to cope up with the social and political dynamics of the then period, global politics, and Ethio-Eritrean federation. This revised version of the 1931 constitution comes with a slight modification in the structure of the system of governance, limiting the power of the emperor to a certain extent and a relatively better recognition of rights and freedoms. However, like its predecessor, the constitution declares the inviolability of the Emperor's dignity and the power of appointing and dismissing members of the parliament and other offices were in the hand of the Emperor.

The federation of Eritrea with Ethiopia led to the addition of two new documents in to the Ethiopia legal system. These were the federal act and the Eritrean constitution. The federal act was a document that specified the terms of agreements for the federation between Eritrea and Ethiopia. The Eritrean were established their own constitution with the support of UN. This constitution incorporated the human rights provisions of the universal declaration of human rights and other progressive concepts. It also implied a more liberal government that incorporated the values and ideas of a democratic society as the result of colonial heritage and the influences of United Nations. Both documents were far modern and better than the existing traditional 1931 constitution of the imperial government. Thus, the emperor was forced to revise the 1931 Constitution.

### 5.5.4. The 1987 Constitution of People's Democratic Republic Ethiopia (PDRE)

Immediately after came to power, the Dergue setup the Provisional Military Administrative Council (PMAC) type of temporary government. The Provisional Military Administration was also in the process of reconstituting itself. To legitimize itself within and broad it had, at least, to take off the uniform and appear in a civil dress. The PMAC presented itself for elections through a new party-the Workers' Party of Ethiopia. The party became the vanguard communist party. The establishment of the Dergue inevitably brought profound changes in the country. After coming to power the Dergue issued a series of decrees and proclamations that was used as legal rules until the

adoption of 1987 constitution. It took sweeping measures through series of decrees and proclamations that includes nationalization of rural and urban land, extra urban houses, private schools and factories by passing series. In the Article 3, state would control key production, distribution and service enterprises, which legalized the massive nationalization of private businesses after the government came to power in 1974. However, these, decrees and proclamations cannot be given a constitutional status because it does not touch basic constitutional issues. This may lead us to the conclusion that the time from 1974-1987 was a period of constitutional vacuum in Ethiopia.

Though it was late, during the Dergue regime a new constitution was adopted in 1987. The regime facilitated the adoption of a new constitution, through a constitutional commission, which was different in its nature form the constitutions of its predecessors. The People's Democratic Republic Ethiopia constitution (1987) was different from the 1931 and the 1955 imperial constitutions in that constitution:

- State and religion were separated (issue of secularism was included in the constitution) for the first time;
- State the political power and sovereignty were declared to be the preserve of the working people of Ethiopia.
- contains provisions on democratic and human rights;
- recognized the different cultural identities and the equality of Nation and Nationalities;
- Introduced a party system by giving recognition to the workers party of Ethiopia. Thus, leading to a transition from a none party system to a single party system;
- aimed at the principles of Marxist and Leninist ideology;
- Aimed at giving power to the peoples so that they exercise through referendum, local and national assembly.

Practically, however, the 1987 constitution was not different from the 1931 and 1955 constitutions.

## 5.5.5. The 1995 (FDRE) Constitution

**Class Discussion:**

*How can you differentiate the 1995 constitution from the 1987 constitution?*

The FDRE constitution has a wider coverage of both human and democratic rights. Of the total 106 articles of the constitution just about one third (approximately 33 articles) is devoted to the discussion of rights. While the democratic rights enshrined in the constitution tend to be essentially group-oriented and political in nature the human rights on the other hand are individualistic and natural.

The 1995 Constitution has some salient features. Getahun (2007: 79) mentioned the "introduction of a federal form of governance and the assignment of the competence of determining constitutionality to the second chamber of the parliament" among the other things. Besides, the FDRE (1995) Constitution takes a breakthrough departure in the constitutional history of the country by embodying many of the core egalitarian principles including the principle of self-determination of collectivities, rule of law, democracy, development, fundamental rights and freedoms, equality and non-discrimination, sustainable peace and affirmative action in its preamble part. In the second chapter, the Constitution gives recognition to five fundamental principles; to be precise the principles of popular sovereignty (art. 8), constitutionalism and constitutional supremacy (art. 9), sanctity of human rights (art. 10), secularism (art. 11) and accountability and transparency of government (Art.12). The Constitution embodied fundamental principles, which give a background to many of the rules that emerge in subsequent Chapters there by setting the framework for a better understanding and interpretation of the rules.

## 5.6. Democracy and Democratization

### 5.6.1. Defining Democracy

***Question for discussion:***

How do you define democracy?

Democracy literally means the government of the people or government of the majority. Etymologically, the word democracy is derived from two Greek words: *demos* and *kratos*, which means common people and rule (legitimate power to rule) respectively. In this case the word democracy refers to the idea of rule by the people or government by the people. Hence, in its original sense democracy means "rule by the people". Gradually, however, the meaning of this term is evolving and changing substantively. Hence, democracy may mean different things for different

people and in different times. You may have already heard about the most common definition of democracy: "*the government of the people, by the people and for the people*", given by former US President Abraham Lincoln. To put it another way, we can say that a government comes from the people; it is exercised by the people, and for the purpose of the people's own interests.

The lexicon or dictionary definition of the term entails that democracy is a state of government in which people hold the ruling power either directly or indirectly through their elected representatives. Accordingly, democracy embraces the principles of equality, individual freedom and opportunity for the common people, as those who actually wield political power. Moreover, the definition entails, among others, in democratic system, state power involves compromise and bargaining in decision-making process in a democratic system. One of the mostly quoted definitions of (modern day) democracy is the one given by Joseph Schumpeter (1943: 269), which defines democracy as an "institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote". In democracies, rulers are held accountable for their actions in the public realm and citizens act indirectly through the competition and cooperation of their elected representatives.

Abraham Lincoln defined democracy as the virtues of what he called 'government of the people, by the people, and for the people'. In so doing, he defined between two contrasting notions of democracy. The first, 'government by the people', is based upon the idea that the public participates in government and indeed governs itself: popular self-government. The second, 'government for the people', is linked to the notion of the public interest and the idea that government benefits the people, whether or not they themselves rule. The classical conception of democracy, which endured well into the nineteenth century, was firmly rooted in the ideal of popular participation and drew heavily upon the example of Athenian democracy. The cornerstone of Athenian democracy was the direct and continuous participation of all citizens in the life of their polis or city-state.

Democracy can also be conceived as the institutionalization of freedom. That means democracy is a set of ideas and principles as well as procedures and practices about human and democratic rights, and freedoms. In this case, it refers to the process of organizing agencies that can watch the respect of rights and freedoms, the signing and ratification of international treaties and conventions and introduction of these rights and freedoms in the fundamental law of a state. As such,

institutionalization of freedom is possible by the application of constitutional government, human rights and equality before law and the like. In this regard, freedom means responsibility to do in line with national interest and then answerable for one's actions and inactions.

If one maintains the definition of democracy to be a government system in which supreme power is vested in and exercised by people, two broad ways of exercising it can be singled out namely direct and indirect democracy. **Direct democracy** implies a form of government in which the right to make political decisions is exercised directly by the whole body of citizens acting under procedures of majority rule. It is also known as pure/classical democracy. Every decision concerning the government is decided based on popular vote. This kind of democracy was mainly practiced in Ancient Greece city states. As the city states were relatively had small population it was manageable to conduct direct democracy. In modern society/state, because of the population size of countries direct democracy has lost its validity and substituted by indirect/ representative democracy. However even in modern times there are some cases that governments applied direct democracy. These include referendum, recall, initiative and plebiscite. **Indirect democracy** on the other hand refers to a form of government in which citizens exercise their rights and freedoms and discharge their obligations not in person but through representatives chosen by themselves. Citizens will submit their sovereignty for their representatives. The representatives will act on the behalf of the citizens they are representing.

Like all regimes, democracies depend upon the presence of rulers, persons who occupy specialized authority roles and can give legitimate commands to others. What distinguishes democratic rulers from nondemocratic ones like monarchy, aristocracy and dictatorship are the means by which governments/rulers come to power and the practices that hold governments accountable for their actions. However, for democracy to flourish, specific procedural norms must be charted (procedural democracy) and fundamental rights and freedoms of citizens must be respected (substantive democracy). The overall concept of modern democracy constitutes three key portions: democracy, constitutionalism, and respect for human rights. Each needs to happen in a given polity or political system for it to be a genuine democracy. Thus, any state or system of government that miscarries to levy such limits upon itself, that fails to follow the rule of law with regard to its own procedures, should not be considered democratic. Robert Dahl (1982:11) provides the most generally accepted

listing of procedural minimal conditions must be fulfilled for modern political democracy to be existent. The major ones are:

- Control over government decisions about policy is constitutionally vested in elected officials.
- Elected officials are chosen in frequent and fairly conducted elections in which coercion is comparatively uncommon.
- Practically all adults have the right to vote in the election of officials.
- Practically all adults have the right to run for elective offices.
- Citizens have a right to express themselves without the danger of severe punishment on political matters broadly defined.
- Citizens have a right to seek out alternative sources of information. Moreover, alternative sources of information exist and are protected by law.
- Citizens also have the right to form relatively independent associations or organizations, including independent political parties and interest groups.

***Exercise: Think about the following questions;***

- How does limited government help to fulfill the purposes of democracy?
- What responsibilities does democracy place upon citizens?

## 5.6.2. Values and Principles of Democracy

Democracy is a popular political notion in today's world, fair and free elections are the prerequisite of democracy and rule of the law, protection and freedom of human rights and supremacy of the constitution are important elements in true democratic system. There are some key elements that distinguish states organized under democratic principles from dictatorship. The respect of fundamental freedom and fundamental rights, elections, citizen's participation, equality, rule of law, separation of powers, democratic pluralism, and multi-party political system are among these key elements or sometimes called fundamental principles of democracy.

***Exercise***

What else could be mentioned as a fundamental principle of democracy?

Hence, democracy is more than just a set of specific government institutions; it rests upon a well understood group of values, attitudes, and practices - all of which may take different forms and expressions among cultures and societies around the world. Democracies rest upon fundamental principles, not uniform practices.

There are three core values that are central in the discussion of the concept of democracy. These are values of **liberty/freedom**, **justice** and **equality.** Let us now briefly look at what each of them means.

- **Liberty:** This value includes **personal freedom** (to mean that Individuals should be free from arbitrary arrest and detention and also their homes/property should be secured from unreasonable searches and seizures), **political freedom** ( to imply that people of a nation have the right to participate freely in the political process such as elections without being subject to arbitrary arrest, harassment and electoral corruption such as buying votes, intimidation and obstruction of voter) and **economic freedom** ( to mean that citizens should have the right to acquire, use, transfer and dispose of private property without unreasonable governmental interference and more over to enjoy right to seek employment wherever one pleases, to change employment at will and to engage in any lawful labor unions or business corporations).

- **Justice:** This value of democracy can be understood in three general senses of fairness. These are **distributive Justice** (the sense of distributing benefits and burdens in society via agreed up on standards of fairness), **corrective Justice** (the sense that a proportional response should be in place to correct wrongs and injuries) and procedural **justice** (the idea that procedures used for gathering information and making decisions should be guided by such principles as impartiality and openness of proceedings).

- **Equality:** Three notions of equality are of particular significance here for our discussion. These are **political equality** (implying that all people who attain the status of adult hood have equal political rights or in short one man-one vote- one value), **social equality** (implying that there should be no social hierarchy at individual and collective level or no discrimination what so ever) and economic **equality** (implying that all peoples of a country deserve equal and fair assessment to the national resources services).

Although we can be exhaustive in our list, the followings constitute some of the fundamental principles of democracy. These are;

**A. Popular Sovereignty**

This type of sovereignty is associated with power and legitimacy. In this way, the citizen as a whole is the sovereign of the state and holds the ultimate authority over public officials and their policies. Consent is given by the people through their regularly elected representatives and through approval of all constitutional changes. Popular sovereignty also means that the people have the right to withdraw their consent when the government fails to fulfill its obligations under the constitution. On the other side, popular sovereignty in democracy assumes the principle of majority rule, which means that within constitutional limits, majorities should have the right to make political decisions. Such decisions are made within the framework of regular elections and include the choice of who should be elected to public office and what laws should be passed by legislative bodies.

The notion that sovereignty came from the people (popular sovereignty) became one of the main foundations of modern democracy and constitutional principle. John Locke's notion of popular sovereignty contrasted with a later model developed from the philosophy of the French intellectual Jean-Jacques Rousseau in the 18th century. Rousseau asserted that sovereignty was based in the general will of a population (or the common good) and that there was no distinction between the source of sovereignty and its exercise. The general will was consequently the basis for national sovereignty and the means through which state authority was manifested. It was expressed through the structure of government (which Rousseau argued should be a form of direct democracy but was implemented as a representative system). The general will could and would supersede the individual rights of citizens.

To this end, sovereignty implies the power to have a final say on an issue. The preamble of the Ethiopian Constitution for instance says, "We the Nation, Nationality and Peoples... adopted…. this Constitution", expressly providing the doctrine of popular sovereignty, or rule by the people. Article 8 of the Constitution is more explicit in providing that ultimate political authority resides not in the government or in any single government official, but rather, in the Nations, Nationality and Peoples of Ethiopia. In democracy, the peoples own the government. The delegation of powers in no way damages or diminishes the peoples' right as the supreme sovereign. The government's legitimacy

remains dependent on the people, who retain the inalienable right peacefully to alter their government or amend their constitution. Besides, there are situations where the people's sovereignty in a democracy is expressed through their direct participation.

### B. Constitutional Supremacy

This is a principle that puts the constitution at the highest level in the hierarchy of laws. Constitutions are laws about the political procedures to be followed in making laws. They are supreme laws, taking precedence over all others, and defining how all the others should be made. Some analysts call them 'meta-rules' (rules about how to make rules), but the German constitution calls them 'the Basic Law'. As a mother of law, it is original law by which the system of government is created, and to which the branches of government must look for all their powers and authority. It is original because it is directly made by the people as the direct expression of the will of the people. All other laws are secondary or derivate being commands of representatives of the sovereign. Because, after all, the direct will of the people outrights the will of any other single individual. Thus, according to this principle, the constitution is above all laws and organs of a state. This principle dictates all laws and governmental or non-governmental acts to be under the constitution. It also implies that if an act is found to be against the constitution, it would out of effect or void. In the Ethiopian case, Article 9 of the FDRE constitution states that the highest power and authority is vested in the nations, nationalities and peoples of Ethiopia to indicate that they are the sovereign in the land.

### C. Rule of Law

In contemporary time, almost in all countries, the concept of the rule of law has been reflected either in their constitutions or statutes. There are two aspects of the rule of law that are important. First, the law should govern the people and the people should obey the law. And second, the law must be capable of being obeyed ('good' laws). This made the rule of law different from 'rule of men' where the people were ruled by 'bad' laws. In order to maintain the rule of law, an institution, independent from the legislative or executive or other forces, impartial and free from interference or influence is required. In this case, the rule of law is the principle under which a government exercises its authority in accordance with clear, objective, and publicly disclosed laws. Laws must be adopted

and enforced through established procedure and incompliance with international recognized standards.

The rule of law is a key component of a social order grounded in consistency, predictability, and transparency. It is the foundation of a democratic society-the means by which people protect their liberty. The principle is intended to be a safeguard against arbitrary rule. Thus, the concept of rule of law is embodying the predominance of law over unrestricted authority; equality before the law; and the law asserting individual rights. This also implies that due process of law and lack of arbitrary treatment recognized and this has been added to the maintenance of order as necessary for law to prevail. It requires government abided by written rules and statutes rather than the arbitrary or absolutist "rule of man".

**D. Secularism**

Secularism referred to as an approach that asserts to dismiss or ignores God, the divine, the supernatural, and other religious viewpoints when discussing or participating in politics. Emphasis is placed on human excellence, potential, fulfillment, "actualization," and so on, instead of the Godly, providential, or spiritual dimensions of life. Contemporary expressions of secularism occur in the mainstream liberal media, business, public education, and social organizations. In church and state matters, secularists demand a strict separation of religion and politics, keeping prayer and religious instruction out of government, public schools, and other common institutions.

Secularism is mostly understood to mean separation of state and religion. This principle demands strict separation of religious and political affairs hence state and church operations basing on the philosophy that individuals and groups in a free society should have freedom of conscience (the right to decide for themselves what to believe in which case it can be threatened if government becomes religious and supports some religions but not others). It asserts the freedom of religion, and freedom from the government imposition of religion upon the people, and absence of state privileges or subsidies to religions. Government should do only what is necessary to keep the peace and prevent one religious group from violating the rights of others. To achieve this goal government should not interfere with religion in any way.

**E. Separation of Powers**

The doctrine of separation of powers refers to the idea that political power should be divided among several bodies or officers of the state as a precaution against too much concentration of power. Most of the literature on federalism has emphasized the relationship between national and sub-national governments but overlooked the organization of sub-national powers. Likewise, the debate on the separation of powers in presidential and parliamentary systems has neglected the role of federalism in strengthening the separation of powers. A federal polity is a constitutional arrangement that creates executive, legislative, and judicial branches of government in its constituent units. This definition is applied to all countries that are classified as federations, or unions.

In order to promote accountability of government, hinder corruption and protect the fundamental freedoms of citizens from the will of the government of the day, it is essential to keep separate the parliament's power to make laws, from the executive's power to administer laws, and from the judiciary's power to hear and determine disputes according to the law. This separation is designed to protect the people from a concentration of power, and the ability of individuals or groups to manipulate government for personal gain and to ignore the will of the people. Separation of powers is, therefore, an essential feature of constitutional government. Further, constitutionalism ensures that the principal powers of government legislative, executive, and judicial-were not monopolized by any single branch.

### F. Free, Fair and Periodic Election

In order to establish democratic government, first the election should be free means all interested parties to the election should get the chance to participate in the election. Secondly, fair means after giving the chance of participation all of them should be treated equally without discrimination. Finally, the election should be conducted periodically with fixed duration.

### G. Majority Rule Minority Right

After conducting democratic election, those who gets the majority vote will establish a government. The policies, programs and decisions of the majority will govern the country while the right of the minority respected

### H. Protection and Promotion of Human Rights

Human rights are those naturally given values that reflect respect for human life and dignity hence their protection and promotion test the legitimacy and constitionality of a democratic government.

**I. Multiparty System**

Democracy also requires having several political parties working together in one political system. These political parties should get equal constitutional guarantee, support and treatment to compete for elections and present their offer freely to the voters. That enables to establish market of ideas to the citizens and encourage parties to come with better alternatives to be elected among the competitors.

## 5.6.3. Democratization

***Question for Exercise:***

What do you understand by the concept of democratization?

Democracy is a variable not a fixed phenomenon; it changes and develops over time, so that what was regarded as good democratic practice a hundred years ago may not be now. Democracy does not automatically arise out of "primal mud" but needs to be planted and nourished by years of practice and experience through various levels of democratization process. Democratization is the process of transitions from nondemocratic to democratic regimes that occur within a specified period of time and that significantly outnumber transitions in the opposite direction during that period. It is not a simple process and will taken an extend period of time to complete, if it wishes to be prosperous. There are three main elements in democratization such as the removal of the authoritarian regime, installation of a democratic regime, and the consolidation, or long-term sustainability of the democratic regime.

By democratization simply we refer to the institutionalization and routinization of democratic ideals and principles and their effective functioning. Moreover, democratization is a conclusive and extended process, which involves the emergence or presence of the formal elements of a democratic political system such as the recognition of basic civil and political rights, multiparty system, electoral system and etc. Democratization in this sense, involves the full-scale transition from authoritarian regime and its replacement by democratically elected regime. It involves the rupturing all the links

and connections of authoritarian leaders, party or army to the state apparatus. In this sense, democratization represents a true rapture and a political transformation.

## 5.6.4. Actors of Democratization

### 5.6.4.1. Political Parties

The centrality of political parties for modern democracy is generally accepted both by contemporary scholars and by policy-makers charged with fostering the development of newly emerging democracies or with improving the quality of democracy in established democratic politics. Despite their relatively recent appearance on the political stage, parties have put such a strong mark on contemporary politics and democracy that twentieth century democracy could be best described as party democracy.

It has been argued that parties are —endemic to democracy, an unavoidable part of democracy. In a democratic system, political parties provide the proper mode of functioning for the government so that the majority party or a combination of parties controls the government, while other parties serve as the opposition and attempt to check the abuses of power by the ruling party. Citizens extend their desires, needs, and problems to the government through the political parties. In fact, political parties represent an essential and important tool that acts as a bridge between a society and its government. The existence of a strong and viable opposition keeps the ruling party alert. It is also the duty of political parties to promote policies that will educate the people about how a democratic system functions and offer different policy packages to the electorates.

### 5.6.4.2. Media

Mass Media and Democracy are always related to each other. Media is a mirror of the society and how democratic a society is, can be represented through media. Opinion leaders influence the public opinion regarding political leaders and political system of any country. Hence, media has an influential role in strengthening democracy. Hence, media and democracy have strong association. Countries which are strong democracies always have strong and free media. Studies show that a free and democratic society is not possible without an independent, free and responsible media and active civil society.

Saeed (2009) argues that the maturing of mass democracy in most societies has gone hand-in-hand with development of mass communication as an important player in the organization of public life and opinion formation on issues significant to the masses. To better understand how free press enhance democracy, we need to look at various and distinct role of media, namely, media as source of information, media as a watchdog, media as a civic forum and media as an agenda setter. Norris (2006) measures how press freedom affects democracy, good governance and human development and concludes that there is a strong relation between the critical role of the free press, as one of the major components of democracy and good governance. Media in all countries serves as a watchdog, as a source of information, a civic forum and an agenda setter.

Theoretically, the role of free media in processes of democratization is straightforward. The free media serve as watchdogs, monitoring those in power and provide citizens with the information they need to be free and self-governing and to hold governments accountable for their actions. Therefore, freedom of the media is often included in the measures developed to assess and compare the quality of democracy across countries.

### 5.6.4.3. Civic Societies

Civil society is the set of civil rights, including primarily everyone's right to participate in public life. Civil society forms the backbone of democracy. Larry Diamond (1999: 220-221) defines civil society as "the realm of organized social life that is open, voluntary, bound by a legal order or set of shared rules". Diamond stated that civil society encompasses "private citizens acting collectively to make demands to the state or to express in the public sphere their interests, preferences and ideas or to check the authority of the state and make it accountable" (ibid: 221). Following Diamond's definition, civil society may contain a wide range of establishments concerned with public matters. Civil society may comprise civic, issue-oriented, religious, and educational interest groups and associations.

In large multicultural developing countries like Ethiopia, there are numerous gaps left by the government in the development and democratization process. Civil societies have a potential of playing numerous momentous roles for democratic development and consolidation. To mention some: limiting the power of the state more generally, including challenging the abuses of authority; monitoring human rights and strengthening the rule of law; monitoring elections and enhancing the

overall quality and credibility of the democratic process; educating citizens about their rights and responsibilities; building a culture of tolerance and civic involvement; incorporating marginal groups into the political process and enhancing the latter's responsiveness to societal interest and need; providing alternative means, outside the state, for communities to raise their level of material development; opening and pluralizing the flows of information; and building a constituency for economic as well as political reforms.

***Questions for Discussion:***

- How would you describe the civil society in Ethiopia?
- Do public associations presently support the work of the government at national and local levels? How?
- What role do public associations play in providing public information?
- Do any public policies make it difficult for public associations to communicate information?

## 5.7. Human Rights: Concepts and Theories

### 5.7.1. What Are Human Rights?

***Question for Exercise:***

How do you define human rights? What comes to your mind when you read/heard the term human rights?

Human rights are basic to humanity. They apply to all people everywhere. An understanding of human rights is an important part of our individual status as human beings and of our collective status as members of the global community of humankind.

The notion of human rights infers that fundamental entitlements belong to every member of the human race. These are privileges someone can claim just because he/she is a human being without any discrimination based on condition. The basic idea of human rights lies in people's recognition of the need to protect and affirm every other person's individual dignity. It is also common to call them 'natural' rights, since they are natural entitlements to everyone. Hence, one of the points most

scholars in the field agreed on is the fact that human rights derived from fundamental human dignity and worth.

***Class Discussion:***

Whose responsibility do you think is making sure everyone's rights are fully respected?

The Universal Declaration of Human Rights (UDHR, Article 2), stipulates that human rights belong to every human being "without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status" (Art. 2). Thus, the only criteria someone must fulfil to enjoy these rights is being a human. However, there is no universally agreed definition of the term human rights. Peoples understanding towards the notion of human rights is changing from time to time. One prominent way of defining human rights is to present them as a special kind of claim on others. For example, the right to education denotes that everyone is entitled with the privilege to good education and the state have an obligation to provide and fulfil the needed resources, structures, infrastructures and services.

Human rights provide the minimum standards indispensable for people to live worth-living life. Human rights allow people to live the life they deserved to live, they aspire to live, and to live a life with dignity and equality. Human rights give people a full control of their life and the freedom to choose how they live, how they express themselves, and what kind of government they want to support, among many other things. Human rights also guarantee people the means necessary to satisfy their basic needs, such as food, housing, and education, so they can take full advantage of all opportunities. Finally, by guaranteeing life, liberty, and security, human rights protect people against abuse by individuals and groups who are more powerful. The United Nations stated that human rights ensure that a human being will be able to fully develop and use human qualities such as intelligence, talent, and conscience and satisfy his or her spiritual and other needs.

Human rights are not just theoretical; they are recognized standards to which governments are to be held accountable. There are basic tenets underlying human rights as they apply to all people. Human rights are entitlements naturally endowed to all persons equally, universally and for a life time. These are entitlements everyone can claim just because they are human beings. The only precondition someone needs to fulfill in order to claim human rights is being a human. Hence, they are necessarily imperative in forming and preserving a fair and civilized society. Human rights are

established upon some main principles including universality, inalienability, indivisibility and interdependence.

***Question for Exercise*:**

Are you familiar with these principles of human rights? Try to explain what each principle is intended for.

When we say human rights are **universal**, it is to show their worldwide applicability. This means all rights are expected to be applied equally everywhere, every-time and to everyone in this world. They transcend time, geographical and cultural disparities. However, this is not to mean that no room is available to contextual realities and value differences among various communities around the globe. Article one of the Universal Declaration of Human Rights (UDHR here after) stipulated that "All human beings are born free and equal in dignity and rights." It also stated that human rights belong to every human being "without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status" (Art. 2).

Human rights are **inalienable**. That means you cannot lose these rights any more than you can stop to be a human being. These entitlements are essential to live a human or worth-living life. Human rights are not luxury or privileges we only enjoy after some preconditions are met, rather part of our basic necessities. We may not die, but we cannot live the life we supposed to live a human creature without our rights and freedoms. Human rights are indivisible. This implies that human rights are inherent to the dignity of every human person. It is not possible for one to live a worth living life without the full respect of these rights; this concerns all the civil, cultural, economic, political or social rights endowed for all human beings.

Human rights are **interdependent and interrelated**. This is to mean that all rights have equal weight/importance and it is not possible for one to fully enjoy any of his/her right without the others. For instance, one cannot enjoy his/her right to life without his/her rights of health, education, freedom from torture and inhuman treatment, right to an adequate standard of living and the like. The violation of all these rights threatens one's life and existence in general. That is true for all our human rights, not possible to enjoy the one ignoring the other. That means we cannot prioritize one right from others, because no right can stand on itself. The fulfillment of one right often depends, wholly or in part, upon the fulfillment of others. The respect of one right (e.g. right

to life) is subjected to the respect of our other rights (e.g. right to an adequate standard of living), and the vice versa. Thus, human rights are entitlements which apply to all equally, and all have the right to take part in all the decisions that affect their lives.

The other important principle of human rights is the principle of **equality and non-discrimination**. This principles pronounces that all individuals are equal as human beings and by virtue of the inherent dignity of each human person. Accordingly, no one should face discrimination on the basis of race, color, ethnicity, gender, age, language, sexual orientation, religion, political or other opinion, national, social or geographical origin, disability, property, birth or other status as recognized by many of the international and regional, national human rights frameworks.

## 5.7.2. Human Rights and Responsibilities

Human rights involve responsibility and duties toward other people and the community. Individuals often have a responsibility to ensure that they exercise their rights with due regard for the rights of others. For example, exercising freedom of speech should not infringe someone else's right to privacy. Human rights are part of a context of people living together in societies. As part of this, there must be a legal, social and international order for human rights to be realized effectively.

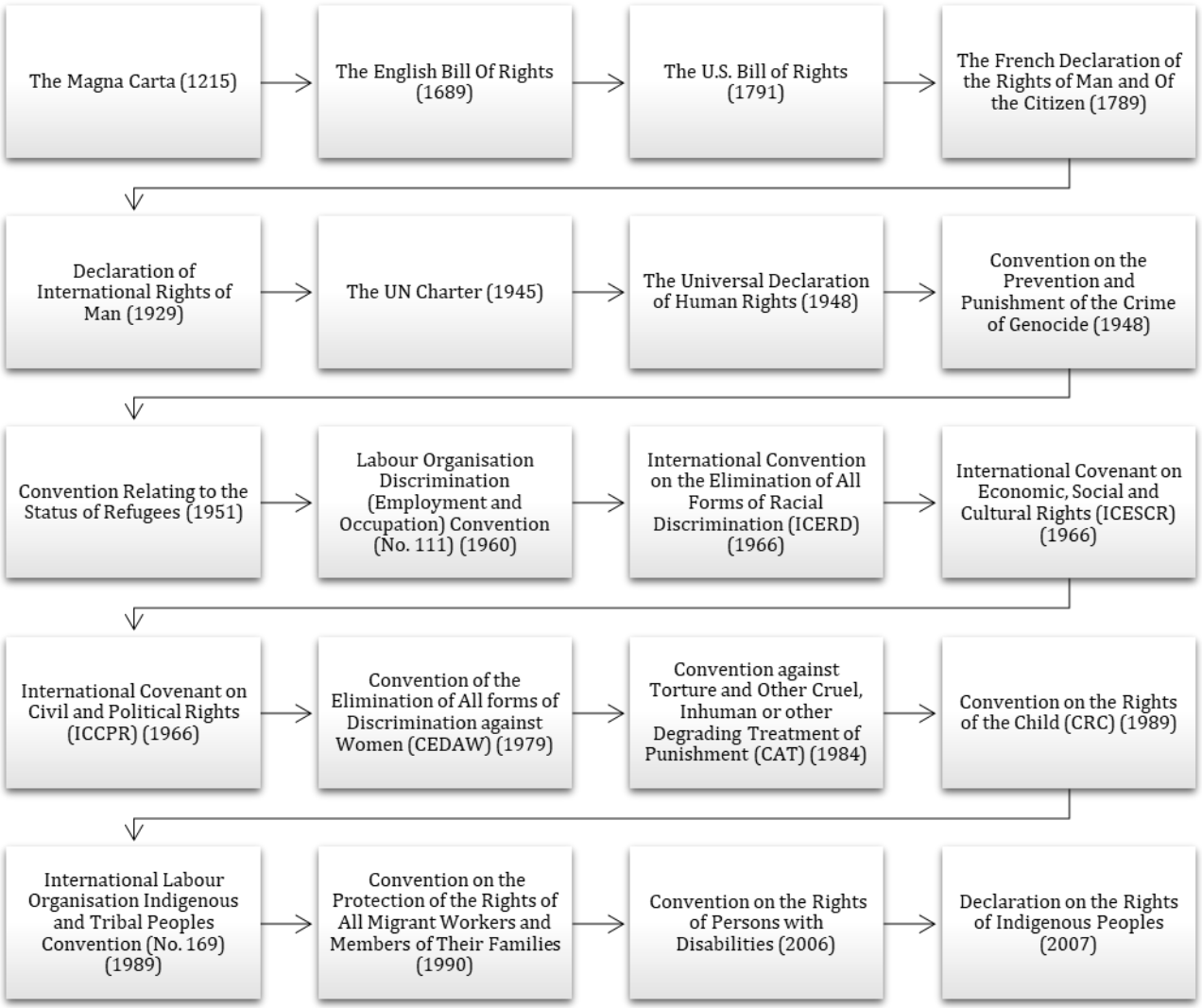
Promoting for the respect of human rights is one of the core missions of the UN and its agencies. Besides, state parties to the UN are mandated with the promotion, protection and fulfillment of human rights. Human rights protection and fulfillment is considered as one of the functions of governments, one of the very reasons why people need a government or political system in general. This is clearly states in various human rights instruments and resolutions issued by the UN including the UN Charter, Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESC), Convention on the Rights of Children (CRC), Convention on all forms Discrimination against Women (CEDAW) and the Paris Principles. For instance, principle 63 (1 and 2) of the Paris Principles (1993) stipulated that:

> *A national institution shall be vested with competence to promote and protect human rights. A national institution shall be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text, specifying its composition and its sphere of competence.*

Mandates of state institutions in relation to human rights are also clearly stipulated in the FDRE Constitution. The Constitution shows its dedication to human rights and freedoms by reserving one of its eleven chapters, if not the biggest one, to human rights and fundamental freedoms. The third chapter of the Constitution guarantees a list of civil, political, economic, social and cultural rights (arts. 13 to 44) in consistence with the core international human rights instruments; mainly the UDHR. The Constitution clearly declares the superior legal status given to international human rights instruments over domestic laws in interpreting the constitutional provisions speak human rights. Article 13 of the FDRE Constitution reads "the fundamental rights and freedoms specified in this Chapter shall be interpreted in a manner conforming to the principles of the Universal Declaration of Human Rights, International Covenants on Human Rights and international instruments adopted by Ethiopia".

### 5.7.3. Landmarks in Development of Human Rights

The modern human rights notions are the result of extended tussles to end many forms of oppressions; including slavery, genocide, discrimination, and government tyranny, in history of world societies. In their contemporary manifestation, human rights are a set of individual and collective rights that have been formally promoted and protected through international and domestic law since the adoption of UDHR in 1948. The following diagram shows the timeline of major international human rights treaties or instruments with the dates of their adoption.


The Magna Carta (1215)
The English Bill Of Rights (1689)
The U.S. Bill of Rights (1791)
The French Declaration of the Rights of Man and Of the Citizen (1789)
Declaration of International Rights of Man (1929)
The UN Charter (1945)
The Universal Declaration of Human Rights (1948)
Convention on the Prevention and Punishment of the Crime of Genocide (1948)
Convention Relating to the Status of Refugees (1951)
Labour Organisation Discrimination (Employment and Occupation) Convention (No. 111) (1960)
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) (1966)
International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966)
International Covenant on Civil and Political Rights (ICCPR) (1966)
Convention of the Elimination of All forms of Discrimination against Women (CEDAW) (1979)
Convention against Torture and Other Cruel, Inhuman or other Degrading Treatment of Punishment (CAT) (1984)
Convention on the Rights of the Child (CRC) (1989)
International Labour Organisation Indigenous and Tribal Peoples Convention (No. 169) (1989)
Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)
Convention on the Rights of Persons with Disabilities (2006)
Declaration on the Rights of Indigenous Peoples (2007)

Source: UN, 2017

## 5.7.4. Rights Holders and Duty Bearers

Rights become rights when the job of identifying the two main actors is done. This works for every rights we may possess as an individual or group. These are ***right holders*** and ***duty bearers***. Right holders are those who are entitled to enjoy, possess or claim a given right. Human rights provisions usually started by mentioning the right holder using terms like "every human being, all children, women, people with disability…" from that we can simple know for whom is a given right intended. Duty bearers are those who carry the obligation of promoting, protecting, and fulfilling these right

to the right holders. There must be always someone you will claim the protection, provision and fulfillment of your rights from and become accountable for any failures to do so.

***Questions for Exercise:***

Identify the rights holders and duty bearers of the following rights in the FDRE Constitution;

- The right to life (Article 15)
- The right to Privacy (Article 26)
- Freedom of Religion, Belief and Opinion (Article 27)
- Rights of Nations, Nationalities, and Peoples (Article 39)
- The right to development (Article 43)

The primary (not the only) duty bearer for almost all of our rights is the state. Besides, individuals and other non-state actors may be named as duty bearers depending on the nature of the right. Thus, it has been typically understood that individuals and certain groups are bearers of human rights, while the state is the prime organ that can protect, provide and fulfil human rights. Moreover, uninterrupted and cyclic relationship is expected among rights holders and duty bearers. The rights holders should always claim their rights from the duty bearers and the duty bearers should discharge their responsibility of promoting, protecting, and fulfilling the rights out of sense of obligation or duty. The following diagram shows the relationship among rights holders and duty bears from human rights perspective.

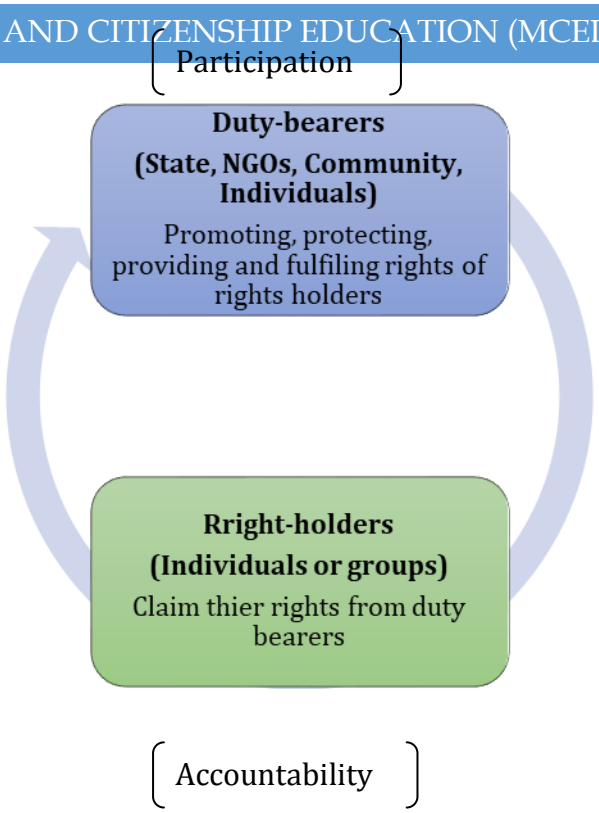



**Figure 1 Duty-bearer-rights-holders Relationship Cycle**

*Source: UN OHCHR, 2017*

## 5.7.5. Categories of Human Rights

***Questions for Exercise:***

Identify some categories of human rights comes to your mind?

Human rights cover virtually every area of human activity. They include civil and political rights, such as freedom of speech and freedom from torture. They also include economic and social rights, such as the rights to health and education. Some rights apply to individuals, such as the right to a fair trial: these are called individual rights. Others apply to groups of people, such as the right to a healthy environment or to native title: these are called collective rights. There are various ways used by different scholars to categories human rights. These writers use various reference point in classifying rights in to different clusters. The common way of categorization is the one developed by Karl Vasak (1982) who have classified Human Rights into three: First, Second and Third generation rights. However, Vasak's representation of generations is criticized by many authors for its failure to capture the nature of human rights mainly in "one respect: classes of human rights, unlike

generations in life, don't replace each other sequentially over time" (Alston, 2000: 641). Carl Wellman states the problem in Vasak generational categorization stunningly: "generations succeed one another, not only in that the members of one generation are born before those of the next generation, but also in that parents tend to die before their children" (Wellman, 2000: 641).

### 5.7.5.1. Civil and Political Rights

Civil and political rights are the first generation rights which uphold the sanctity of the individual before the law and guarantee his or her ability to participate freely in civil, economic, and political society. Civil rights include such rights as the right to life, liberty and personal security, equality before the law, protection from arbitrary arrest and the right to religious freedom and worship. When protected, civil rights guarantee one's 'personhood' and freedom from state-sanctioned interference or violence. Political rights include such rights as the right to speech and expression, assembly and association, vote and political participation. Political rights thus guarantee individual rights to involvement in public affairs and the affairs of state.

Civil and political rights are seen as an immediately realizable rights. This is to mean that all states, regardless of their economic, social, cultural and political developments or realities, are expected to ensure the realization of these rights immediately. No precondition could be acceptable for any violations of civil and political rights. They have also been called as 'negative' rights to indicate the fact that they simply entail the absence of their violation in order to be upheld. The state, as a primary duty bearer, is expected here to let citizens enjoy their rights and freedoms and not intrude in their private life. Besides staying aside of the life of the rights holders, the state is also responsible to protect them from any potential interventions from other non-state actors; such as individuals, groups and organizations. Hence, protection is the main obligation of the duty bearers for civil and political rights.

***Question for Exercise***:

List four civil and political rights recognized in the FDRE Constitution and the corresponding articles.

### 5.7.5.2. Social and Economic Rights

In contrast to the above set of rights, the second generation (social, economic, and cultural) rights are considered by many writers as an aspirational and programmatic set of rights that national governments ought to strive to achieve through progressive implementation. Social and economic rights include such rights as the right to education, health and wellbeing, work and fair remuneration, form trade unions and free associations, leisure time, and the right to social security. When protected, these rights help promote individual flourishing, social and economic development, and self-esteem. Cultural rights include such rights as the right to the benefits of culture, indigenous land, rituals, and shared cultural practices, and speak one's own language and 'mother tongue' education. Cultural rights are meant to maintain and promote sub-national cultural affiliations and collective identities, and protect minority communities against the incursions of national assimilationist and nation-building projects.

Unlike the civil and political rights, rights in this category are called 'positive' rights to indicate that whose realization is highly subjected to the economic capability of states. One of the strong counter-arguments to this false dichotomy is to assert that all rights are positive since the full protection of all categories of human rights ultimately relies on the relative fiscal capacity of states. For instance, the protection of property rights requires a well-funded judiciary, police force, and fire service, as well as a well-developed infrastructure that can relay information, goods, and services in the event that property is under threat in some way. The same is true for the rights to vote. Besides to avoiding segregation and discrimination at the polls, running a free and fair election requires a tremendous amount of financial support, technology, and infrastructure. However, by claiming that all rights are positive, it is not to undermine the negative characteristics or dimensions of human rights. Comprehensive understanding of human rights requires the recognition of both positive and negative dimensions. Thus, for every rights, we need to ask what the positive (those actions that states can take to provide resources and policies for improving the protection of human rights) and negative (those actions that states do (or not do) that deliberately violate (or protect) human rights) dimensions are, instead of trying to classify whether a given category of rights are positive or negative.

Second generation rights are considered as "less fundamental" or unrealistic rights because of the issues of justicialibility. Justiciability is not obviously the quality of economic, social and cultural

rights. For this category of rights there is a room for the state to justify duty failure referring to lack of capacity, resources or finance. For instance, suppose you are living in Ethiopia and you are still unemployed for some years after finishing college. You may argue that "I have the right to work and fair remuneration, and should be taken as a violation of my human right at the time the state fails fulfill or provide it to me". This will be considered as human rights violation only if the state is economically capable (in the condition to fulfil that right for every citizen with the resources at hand). If the state able to justify that the needed resources and finance to fulfil or provide that particular rights are not adequately available – then that will be the end of the story. That means, the state's duty failure and the violation of your right can be justified. This makes many authors in the field to question the justiciability of most of the economic, social and cultural rights.

***Question for Exercise*:**

List three economic, social and cultural (one from each category) rights recognized in the FDRE Constitution and the corresponding articles.

## Peace, Development and Environmental Rights

Third generation (solidarity) rights are aimed to guarantee that all individuals and groups have the right to share in the benefits of the earth's natural resources, as well as those goods and products that are made through processes of economic growth, expansion, and innovation. Many of these rights are transnational in nature. They requires redistribution of wealth, resources from developed to developing nations. Solidarity rights also require global cooperation and shared responsibility to world peace, development and the environment. Third Generation (solidarity) rights include rights to public goods such as the right to development, the environment and peace. The third generation rights are still considered as an emerging rights, where the rights holders and duty bearers of the rights included under this category are yet to be identified clearly. Think, for instance, about the right to peace or right to clean and protected environment. Whose right are these? And whose responsibility? At this stage it is difficult to determine answer these key questions, unfortunately.

***Question for Exercise*:**

List two solidarity rights recognized in the FDRE Constitution and the corresponding articles.

The following table provides the summary of the classification of rights.

| Generation | First generation rights | Second generation rights | Third generation rights |
|---|---|---|---|
| **Category of rights** | Civil and political rights | Socio-economic rights | Solidarity rights |
| **State obligation** | Promoting and protecting | Providing and fulfilling | ? |
| **What is expected from the State** | Non-interference | Positive interference | Positive involvement |
| **Realization** | Immediate | Progressive | Progressive |
| **Right holders** | Individuals (mostly) | Groups (mostly) | ? |

## 5.7.6. Derogations and Limitations on Human Rights

There are two conditions under which human rights can be restricted: limitation and derogation. **Limitations** are lawful infringements of rights. Limitations are deviations from the standard manner of dealing with rights imposed primarily to facilitate optimal use or exercise of rights in a context of scarce public resources, space and time. Limitations can take the form of restrictions and/or derogation. **Restrictions** are acceptable or justifiable limits of human rights during the normal times. Restrictions circumscribed the manner, or place, and the extent to which rights can be enjoyed or exercised in a particular set of circumstances, often in normal times. **Derogation** means a temporary non-application and suspension of rights by the state in abnormal or emergency (natural/artificial) situations.

Enjoyment of human rights is subject to limitations and this limitations are normally found in constitutional human rights and international human rights treaties. But that limitation should not be arbitrary, it should be based on legality, necessity, rationality and proportionality supposed to be determined by the human rights law. Limitations may be made on the enjoyment of human rights for the sake of: safeguarding of national security or public peace; the prevention of crimes; the protection of health, public morality; the protection of the rights and freedom of others; and safeguarding democratic institutions

In Ethiopia, for example, both federal and regional governments have constitutional powers to limit exercising human rights since they have the power to declare state of emergency is their respective domains. Regional states can declare in two conditions: natural disaster and epidemics. Besides, the FDRE Constitution (art. 93) clearly specifies four conditions for such declaration by the Federal Government. The Council of Ministers can declare a State of Emergency in the following situations: 1) External Invasion, 2) Breakdown of law and order when it: (i) endangers the constitutional order, (ii) cannot be controlled by regular law enforcement, 3) Natural disaster, and 4) Epidemic.

## 5.7.7. Non-derogability of Human Rights

The concept of non-derogability has been one of the important aspects of the international human rights laws and treaties. Some of the important treaties concerning human rights, including the ICCPR have special provisions explaining whether its member states can derogate from certain rights during some exceptional situations. States believe that some provisions of derogability are necessary to allow them exercise their sovereign power during exceptional circumstances for the greater good of their people. However, this kind of derogation is not unconditional and it has its own limits.

There are also certain unique and inherent human rights, which can never be suspended under any circumstances. For instance, the ICCPR, which also allows states to suspend some of the rights under specific conditions, clearly mentions that some of the articles are non-derogable. They are: right against arbitrary deprivation of life (art. 6); freedom from torture or cruel, inhuman and degrading treatment or punishment; and freedom from medical or scientific experimentation without consent (art. 7); freedom from slavery and servitude (art. 8); freedom from imprisonment for inability to fulfill a contractual obligation (art. 11); prohibition against the retrospective operation of criminal laws (art. 15); right to recognition before the law (art. 16); and freedom of thought, conscience and religion (art. 18).

The FDRE Constitution (art. 93(3[c])) states that rights under Articles 1, 18, 25, and sub-Articles 1 and 2 of Article 39 of the Constitution are non-derogable rights. However, it is good to mention here that this is not to mean that all other rights are suspend-able anytime at the will of the state. In this regard, Article 4 of ICCPR clearly established the specific conditions could be used as a ground for derogation. Conditions like the existence of real emergency, threat to life of a nation, official

proclamation of emergency, and guarantee of non-discrimination are justifiable grounds to suspend some of or all the derogable rights.

## 5.7.8. Implementation and Enforcement of Human Rights

### 5.7.8.1. International Mechanisms and the International Bill of Human Rights

The very reason behind the establishment of the international law is ensuring global peace and security, and help men to lead a worth-living life; a life with liberty, equality, and freedom from violence. Hence, the main objectives of the international law and its institutions is in one way or another related with the protection of human rights. The issues of human rights come into picture in the international law starting from the adoption of the Charter of the United Nations on October 24, 1945. The charter make protection of human rights one of the three main objectives of the UN, in addition to preserving global peace and stimulating comprehensive development. The United Nations has six prime organs, namely; the General Assembly, Security Council, Economic & Social Council (ECOSOC), International Criminal Court (ICC), Office of the Secretariat and the Trusteeship Council (Suspended operations-1994 with the independence of Palau).

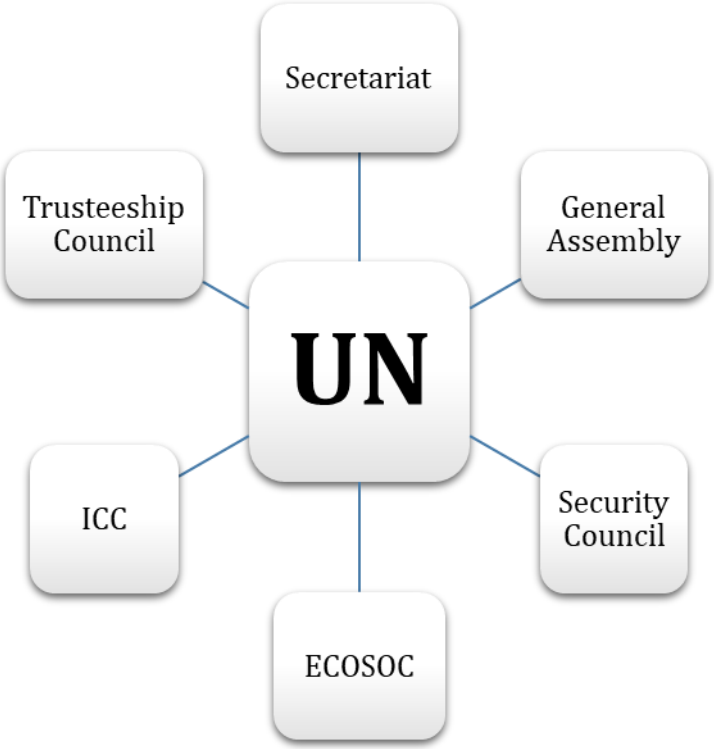



**FIGURE 2 UN ORGANS**

The General Assembly, Security Council and ICC are functioning as the legislative (law making), executive (law enforcing) and judiciary (law interpreting) organs of the UN respectively. The Office of High Commissioner for Human Rights (OHCHR) is established under the ECOSOC, and is an organ particularly dedicated to the promotion, observance and monitoring of human rights worldwide. The international bill of human rights is made up of various treaty and charter based human rights instruments; treaties, covenants, charters and declarations.

The UN Charter clearly stated that the organization is dedicated to help men live a life free from fear of war, the promotion of human rights and the worth of human person and dignity of mankind. It also seeks to establish justice, and promotes corporation between the States to discharge their duties to create a just economic, social and cultural order wherein mankind can realize the fundamental human rights in accordance with the principles of international law.

The Universal Declaration of Human Rights (UDHR) is a human rights instruments considered as the groundwork of most of the post-1945 codification of human rights. It is the basis for human

rights protection and promotion around the world and has been endorsed by all countries. Many countries have included its provisions in their basic laws or constitutions (Used 2). Most of the modern national, regional and international human rights regimes are established based on this declaration. Many of the UN human rights instruments are drafted under the shadow of the UDHR. Actually, almost all international human rights instruments comprises at least a preambular reference to the Universal Declaration, as do many declarations adopted unanimously or by consensus by the UN General Assembly. It has served as a model for most of the laws, constitutional provisions and rules aimed at protecting citizen's rights and freedoms.

The UDHR is not a binding instrument, but claimed to have great moral weight and popularity. It is a declaration adopted by the General Assembly of the United Nations in 1948. Thus, no obligation can be drawn from that instrument, since it is not a treaty based document. However, its wider global acceptance is enabling it to be seen as a customary law. The UN claims that the Declaration is the most translated document in the world to show its inclusive nature and spread (UN, 2015: iii). Hence, beyond doubt the UDHR is most widely accepted declaration of its kind (Walter, 2014: 121). The preamble of the UDHR states that "the General Assembly proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms […]" (UN, 1948: 1).

The first two provisions of the UDHR deals with its two core principles; equality and non-discrimination.[1] The following 21 articles (Articles 3 to 21) postulate civil and political rights. In these articles, rights set forth include the right to life, liberty, a fair trial, free speech, privacy, of personal security, and of movement, as well as freedom from slavery, torture, and arbitrary arrest. The subsequent five articles (Articles 22 through 27) articulates economic, social and cultural rights recognized in the Declaration. These rights include entitlements such as the right to social security, right to work, reasonable payment and leisure, the right to an adequate standard of health, well-being

[1] Article 1 stipulates that "All human beings are born equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood". Article 2 reads "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

and education, the right to partake in cultural life. To end with, Articles 28 through 30 provides the general frameworks needed for the enjoyment of the above mentioned rights.

Besides to the UN Charter and the UDHR, the UN presently has more than ten core human rights treaty based human rights instruments. These includes, but not limited to, the Convention on the Prevention and Punishment of the Crime of Genocide (1948), the Convention Relating to the Status of Refugees (1951), the International Covenant on Civil and Political Rights (ICCPR), the Slavery Convention (1926, but amended by Protocol in 1953), the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC), and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

Each of the above human rights treaty instruments has an autonomous monitoring body, composed of independent experts who examine the reports that signatory nations submit under the treaty. These committees are also in charge of issuing "concluding observations/comments", where they summarize their concerns about certain states and also give recommendations for the future. Ethiopia is a signatory member to all of the aforementioned core international human rights instruments. Besides, Ethiopia has also endorsed other area-specific treaties such as those enacted under the auspices of International Labor Organization (ILO). All of the provisions in all of the treaty-based human rights instruments are expected to fully apply here in Ethiopia. Thus, beyond its constitutional mandate, the state of Ethiopia has a treaty obligation emanated from those international instruments to realize human rights at domestic level. As a final point, it is good to mention here that Ethiopia is one of the countries of the world that have ratified many of the most important international human rights instruments.

### 5.7.8.2. Regional Mechanisms

In addition to the international human rights regime functioned under the UN umbrella, there are regional human rights systems which cover three parts of the world; Africa, the Americas and Europe. These two (international and regional) systems are aimed to make sure state actors are

fulfilling their obligation in promoting, protecting, providing and fulfilling their citizen's rights. Hence, if an individual or groups feel that his/her/their rights are not protected on the domestic level, "the international system comes into play, and protection can be provided by the global or the regional system". Actually, this works only for the countries found in regions of the world where such systems are in place. As mentioned before, regional human rights systems are currently established only in Europe, Africa and American regions. The alternative for citizens live in the other regions is to take their complaints to the UN human rights system, which is barely functional. However, beyond their existence, the functionality of these systems is highly questionable.

***Question for Discussion*:**

Do you think there is a hierarchy among the international, regional and national human rights regimes?

These human rights systems are established independent, but as part of regional integration arrangements. This is the case in all the three regions have human rights institutions. In African, this system is established under the African Union (AU) structure; in the Americas it is part of the Organization of American States (OAS); and in Europe it is embedded in the European Union's (EU) organizational structure. The other regional integration agreements we found in various places in the world does not have such human rights mandate. This includes, for instance, North American Free Trade Area (NAFTA), ASEAN, and OPEC. Such arrangements are established for economic or political purposes other than human rights.

Many authors in the field agreed on the importance of regional systems referring into the opportunity they offer for regional values to be taken into consideration when human rights norms are defined and framed. However, it should be also recognized that if this goes too far, of compromising the idea of the universality of human rights. Regional human rights systems are also recognized for providing a better systems of enforcement than the global system. It allows regions to apply the relevant enforcement mechanism that fits to their context. For example, the EU founds judicial approaches more appropriate and the AU inclined to non-judicial mechanism. The global human rights system lacks such flexibility.

The African human rights system is operative under the organizational structure of the AU since in July 2002. Currently, 53 African countries are signatory members to the AU and the African Charter

on Human and Peoples' Rights (1981/86). Besides, a protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights (1998/2004) is adopted in 2004 and ratified by 21 member states. This Protocol entered into force in January 2004 and the process is underway to establish the Court. The AU Summit has started this endeavor by taking a decision to merge the African Human Rights Court with the African Court of Justice in July 2004. Ethiopia is a signatory party to the Banjul Charter since 1991 and to the African Charter on the Rights and Welfare of the Child in 2001.

## 5.7.9. The Ethiopian Human Rights System

The foundation of the observance of the human rights in Ethiopia is the FDRE Constitution, which was ratified in 1994. The Constitution is the supreme law of the land and the source and basis of legality of all other laws. The FDRE Constitution classifies human rights as one of its five fundamental principles and declares that human rights and freedoms, emanating from the nature of mankind, are inviolable and inalienable and that the human rights of citizens and peoples are respected. The Constitution further empowers all Federal and State legislative, executive and judicial organs at all levels with the responsibility and duty to respect and enforce the Constitutional provisions of human rights.

The FDRE Constitution has established a national human rights regimes by recognizing most of the human rights entitlements acknowledged by the core international and regional human rights instruments. These rights cover civil and political rights (arts. 14 to 38), socio-economic rights (arts. 41 to 42) and group rights (arts. 39, 43 and 44). About one-third of the Constitution is devoted to enshrining fundamental rights and freedoms. Accordingly, most civil and political rights and economic, social and cultural rights as well as environmental rights and the right to development are stipulated in detail. Further Article 9/4/ and Article 13 of the Constitution state that international agreements ratified by Ethiopia are an integral part of the law of the land and the fundamental rights and freedoms specified in the Constitution are to be interpreted in a manner conforming to the principles of the UDHR, International Covenants on Human Rights and international instruments adopted by Ethiopia.

Moreover, the Constitution gives outstanding emphasis to the rights of women, children, persons with disability, and of nation, nationalities, and peoples. Besides including a vast of human rights

provisions, the Constitution has required the establishment of human rights and democratic institutions; including the national human rights commission, general attorney office and office of ombudsmen, with an independent judiciary or courts equipped with the needed resources.

To end with, there have been established institutions with the specific and prominent mandate of respect and promotions of human rights and the main organizations in this respect are: the Ethiopian Human Rights Commission (EHRC) and the Ethiopian Institution of the Ombudsman (EIO). Additionally, the Federal and Regional Ethics and Anti-Corruption Commissions and the Chief Auditor's Office are agencies that consolidate transparency and accountability. The National Election Board was established on the basis of the Constitution's dictum that state power can be assumed only through representatives elected by universal and equal suffrage held by secret ballot, guaranteeing the free expression of the will of the electors. The above structured nexus is designed to ensure respect, protection and promotion of human rights.

## Chapter Summary

Human rights, constitution/alism and democracy are some of the core concerns of this course. The chapter deals with these three important notions one by one. The chapter discussions goes from definitions/meanings to theoretical arguments around these concepts. The core ideas or arguments of the major authors in the areas are discussed briefly. Human rights are explained in the first section as entitlements with both legal and social recognition. Human rights mainly engaged two main actors: rights owners and duty bearers. It is the cyclic interaction between the rights holders and duty bearers the respect and realization of human rights come to practice. The Universal Declaration of Human Rights associates human rights with "the highest aspiration" of the common people, and proclaims itself to be a "common standard" for all. Human rights are also recognized and stipulated in our FDRE Constitution in similar manner. Thus, the realization of all human rights is not a matter of choice for states and non-state actors working in the area, it is rather an obligation must be fulfil if citizens have to live a worth living life. Constitution/alism and democracy are also imperative in any political system. Both can be seen as a basis for the promotion, protection and fulfilment of human rights. Constitutional regimes exercises limited power and respects citizen's rights. The respect, fulfillment and provision of rights is also one of the fundamental principles of democracy. Thus, these three concepts are not mutually exclusive.

## Self-Check Questions

Give Short Answer for the following questions

6. What do you think of the reason for Europe to be the pioneer in the protection and promotion of human rights?
7. Discuss the status and condition of the respect and promotion of human rights in African context in-group. Due think that Africa has a good record in this regard? If not what do you think of the possible reasons?
8. As a document setting common standard for human rights, how do you evaluate the contents of UDHR? Do you think the document is exhaustive?
9. What roles can private institutions play in the global move for the respect of human rights? And what possible challenges do you think the face?
10. Now days there is this argument that 'unless and otherwise the issue of the problem of globalization of poverty is solved humanitarian crises will be the defining feature of the world and hence all issue of human right revolves around global redistribution of resources to eliminate the gap between the few rich and the many poor.' Discuss in-group.
11. Discuss the right to life in view of FDRE constitution? What arguments can you forward for the legalization or for the illegalization of death penalty?

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